

Tuesday, October 8, 2024

Whereupon, pursuant to notice the above-entitled hearing was held before the Anne Arundel County Government Board of License Commissioners, 44 Calvert Street, Council Chambers, Annapolis, Maryland 21401, commencing at 8:07 p.m. There being present:

1 BOARD MEMBERS PRESENT:

2 WAYNE HARRIS, CHAIRMAN

3 OTIS DUFFIE, COMMISSIONER

4 BERNADETTE SNOOPS, COMMISSIONER

5

6 STAFF MEMBERS PRESENT:

7 JAMES PRALEY, ESQUIRE

8 JIM FORD, CHIEF LIQUOR INSPECTOR

9 EDWARD I. ARONSON, ADMINISTRATOR

10 JANET GAGNON, SECRETARY

11 MICHELLE M. MONTI, SECRETARY

12

13 ON BEHALF OF THE APPLICANT:

14 RICHARD BITTNER, ESQUIRE

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16 ON BEHALF OF THE PROTESTANT:

17 ALAN HYATT, ESQUIRE

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1 P R O C E E D I N G S

2 **CHIEF INSPECTOR FORD:** Okay. For our final
3 case of the evening, I'm going to ask that the
4 Applicant's and their counsel, and any opposing
5 counsel come up to the desk first. Anybody wishing to
6 testify for or against, if you could all please stand.
7 We're going to get everybody sworn in at once. And
8 then we'll bring you up one at a time to testify as
9 necessary. So, once again, anybody wishing to testify
10 for or against, that are the Applicants or opposing
11 counsel, please approach and remain standing. If we
12 have enough chairs. You can also sit in the front
13 row. And then anyone else who plans on testifying for
14 or against, also, please stand at this moment.

15 **MR. PRALEY:** Yeah. We're going to swear
16 everybody in together.

17 **CHIEF INSPECTOR FORD:** We'll swear everybody
18 in at once. If you all could raise your right hands.
19 Everyone raise your right hand who is going to be
20 testifying for or against.

21 (PARTIES SWORN.)

22 **CHIEF INSPECTOR FORD:** And please remain
23 standing. Actually, if you are here for, please sit
24 down. If you are here for, in support, please sit
25 down. I'm going to take a count. So, I only want

1 people who are here against this application to remain
2 standing.

3 **MR. BITTNER:** These are my clients, my
4 witnesses. So --

5 **MR. PRALEY:** Yeah. We just want to make
6 sure we get an accurate head count for the record.
7 And then I would also encourage everybody, if you
8 haven't already done so, to sign in on the sign-in
9 sheet, which is in the front hallway. We need to make
10 sure we have an accurate record of everybody who is
11 here in support or in opposition of this license.

12 **CHIEF INSPECTOR FORD:** Seventeen, initial
13 count. Seventeen. I'm getting two different counts.
14 Sean, can you give me a count also. I'm sorry. I'm
15 not able to quite see everybody. I'm coming up with
16 17 now. So, I think I've got -- how many do you have?

17 **MR. HURDLE:** Seventeen.

18 **MR. PRALEY:** Seventeen. All right. Good.

19 **CHIEF INSPECTOR FORD:** Seventeen against.
20 If you are for this, please now stand up. If you are
21 against, please sit down. If you are for, please
22 remain standing. So, we've got three, four, five.
23 Thank you very much.

24 I will now read the case into the record.
25 This is for 3 Cheers Liquors, Singh Ventures, LLC.

1 And everyone may be seated. Thank you. Tikka Singh,
2 member; Ira Kareer, member; Inspector Scott Montagne.
3 This is for a new license to be located at 1665
4 Crofton Centre, Suite 19, Crofton, Maryland 21114, for
5 a Class A beer/wine/liquor, beer, wine liquor tasting
6 --

7 **MR. BITTNER:** We'll waive a further reading.

8 **CHIEF INSPECTOR FORD:** -- and Sunday
9 license. Thank you, Mr. Bittner.

10 And, sir, if you could begin by stating your
11 name and address for the record.

12 **MR. PATNODE:** Yes. Gerald Patnode, 497
13 Heritage Drive, Gettysburg, Pennsylvania.

14 **CHIEF INSPECTOR FORD:** Thank you, sir.

15 **MR. HUNDAL:** Ranjit Hundal, 11313 Marlboro
16 Ridge Road, Upper Marlboro, Maryland 20772.

17 **CHIEF INSPECTOR FORD:** Thank you.

18 **MR. HYATT:** Alan Hyatt. I'm counsel to the
19 Protestants.

20 **CHIEF INSPECTOR FORD:** Thank you.

21 **MR. HYATT:** Good evening. Richard Bittner,
22 B-I-T-T-N-E-R. I represent the Applicants.

23 **CHIEF INSPECTOR FORD:** Sir?

24 **MR. SINGH:** Tikka Singh, 1303 Starflower
25 Lane, Odenton, Maryland.

1 **CHIEF INSPECTOR FORD:** Thank you.

2 **MS. KAREER:** Ira Kareer, 22301 Lost Branch
3 Circle, Ashburn, Virginia.

4 **MR. PATNODE:** Michael Ginsburg, 8204
5 (indiscernible) Court, Baltimore, Maryland.

6 **CHIEF INSPECTOR FORD:** Thank you. And --

7 **MR. ARASON:** John Arason, 707 Glendon
8 Avenue, Annapolis, Maryland.

9 **CHIEF INSPECTOR FORD:** Great. Thank you,
10 everyone.

11 **MR. PRALEY:** All right. Before we get
12 started, just a couple of ground rules here on
13 procedure. As this is a new case for a Class A
14 license, Mr. Bittner will present his client's case
15 first. He can do so by way of proffering, testimony,
16 or a combination of both. And then at that point, Mr.
17 Hyatt, you'll have the opportunity to cross-examine
18 any witnesses that he calls.

19 After that, we will hear from members of the
20 public who are here in support or in opposition. The
21 Chairman has asked me to instruct the members of the
22 public that as the clock is ticking, we have limited
23 time in County Council Chambers tonight. So, while
24 you are authorized to speak in favor or against this
25 particular license, your time will be limited to two

1 minutes. And there will be no questioning of members
2 of the public who are there to testify.

3 Additionally, if you are a member of the
4 public who wants to testify, please don't repeat what
5 somebody else has already said. Again, we have
6 limited time. So, if somebody jumps you in line and
7 they say something that you were planning on saying,
8 please don't feel the need to repeat it. It has been
9 heard and will be considered by the Board in rendering
10 its decision.

11 After the members of the public testify,
12 we'll turn the floor over to Mr. Hyatt, who can
13 present his case in opposition. And subsequently, Mr.
14 Bittner will have the opportunity to ask questions.
15 And I'm sure there will be questions from the
16 commissioners peppered throughout the hearing.

17 Does counsel have any questions before we
18 get started here?

19 **MR. BITTNER:** No, Mr. Praley.

20 **MR. HYATT:** I do not. Thank you.

21 **MR. PRALEY:** Okay. All right. Well, Mr.
22 Bittner, then we'll turn it over to you. Go right
23 ahead.

24 **MR. BITTNER:** Thank you. Good evening once
25 again. It gives me great pleasure to introduce to you

1 my clients, Tikka Singh and Ira Kareer as a potential
2 business owners here in Anne Arundel County. Mr.
3 Singh, as the application notes, is a resident of Anne
4 Arundel County. He lives in Odenton, close proximity
5 to the proposed location. Ms. Kareer, a resident of
6 Fairfax, Virginia.

7 At this time, procedurally, I'd like just to
8 move in the application and the supporting exhibits
9 filed with it, the hearing exhibit. Previously, we
10 had filed four exhibits with the Board, two containing
11 petitions, one containing the report and the resume of
12 our expert, Mr. Arason. So, I'll move those in, if I
13 may, at this time, Mr. Chairman.

14 **MR. PRALEY:** Those will be accepted as
15 Applicant's 1.

16 (WHEREUPON, THE DOCUMENTS WERE MARKED
17 AND ADMITTED AS APPLICANT'S EXHIBIT NO. 1.)

18 **MR. BITTNER:** Thank you. Mr. Chairman,
19 members of the Board, my clients appear before you as
20 sophisticated businesspersons who have entered into
21 this attempt to obtain a license with full knowledge,
22 after reviewing all of their options, and they've
23 settled and decided on, hopefully, opening an upscale
24 Class A alcoholic beverage license, Sunday sales with
25 tasting, for 1665 Crofton Centre, Suite 19.

1 Mr. Singh has extensive experience in the
2 retail business area. He was involved in a liquor
3 store in Washington, DC, some 20 years ago. Neither
4 Applicant has any interest currently in any alcoholic
5 beverage license in the State of Maryland or
6 elsewhere. But Mr. Singh particularly has experience
7 in, of the alcoholic beverage industry, operating as a
8 partner of a liquor store in Washington, DC, for a
9 brief period of time. He has extensive experience
10 operating 7-Elevens and other retail type businesses.

11 Ms. Kareer, she retired after 25 years in
12 retail sales. She was the owner/operator of an
13 upscale spa. She has extensive experience in hiring,
14 human relations, of payroll matters, and ordering.
15 She, along with her husband, Navneet, who is here
16 present, will be involved in the day-to-day operation.
17 It will be Ms. Kareer who will be more involved in the
18 day-to-day operations, the actual hands-on, with Mr.
19 Singh providing support to his partner.

20 No other investors, no secret partners here,
21 no manufacturers or distributors involved in this
22 license.

23 What is the Applicant's hope is that this
24 will be an upscale, hands-on type of retail point of
25 sales establishment. The market recently, I would

1 proffer to you, in other areas of retail sales has
2 moved into eCommerce, and internet commerce, and many
3 businesses that moved out of the brick-and-mortar
4 operation have reduced their footprint in brick and
5 mortar type of stores, that's not true in the
6 alcoholic beverage industry here in Maryland, given
7 our inability, our limits in terms of delivery,
8 there's been some changes recently. But as the Board
9 certainly is aware of, the alcoholic beverage industry
10 has always been a hands-on product-oriented type of
11 industry. And that's what my clients hope to bring to
12 this location. And that's important, Mr. Chairman and
13 members of the Board, for the Board to consider as we
14 present our showing why particularly this license is
15 needed, to accommodate the public at that location and
16 it's desired by the public at that location.

17 Yes, and Mr. Hyatt will tell you shortly
18 about all the other point of sales, alcoholic beverage
19 point of sales establishments that exists as the crow
20 flies in close proximity. He will say, I think two
21 miles away is a fair distance. I think a mile and
22 seven is a fair distance. But the opponents, I
23 suspect, will argue that the market is saturated, the
24 market doesn't support another point-of-sale alcoholic
25 beverage store, Class A license.

1 What's unique, Mr. Chairman and members of
2 the Board, to this location is its location. It's on
3 Route 3, northbound Route 3. And you'll hear from our
4 witnesses, I expect in a moment, that the location,
5 the Route 3 corridor running north and south through
6 the county, bordering Prince George's County is
7 bisected by Defense Highway and Route 424, creating
8 actually square or quadrant type market areas within
9 the general Crofton area. So, we don't have a linear
10 marketplace where someone can just simply drive up and
11 down. It's very difficult to cross Route 3. It's
12 very difficult to get around. So, this location will
13 alleviate a great deal of traffic issues because it
14 will provide a one-stop shop in what is a large
15 shopping area. And that's important for the Board to
16 consider, most respectfully. This is not a
17 neighborhood shopping center. This is a destination
18 shopping center. And you'll hear more about that from
19 Michael Ginsberg, the commercial landlord's
20 representative.

21 So, this is a unique location, in a unique
22 area, that presents unique problems with the consuming
23 marketplace that this location will address because of
24 its easy access in and out on Route 3. And because on
25 the northeast side of Route 3, south of Fat Boys,

1 about two miles north, about a mile seven. Everything
2 else, west side of the highway very difficult.

3 So, with that brief interlude, I would like
4 to call my first witness.

5 **MR. PRALEY:** Please.

6 **MR. BITTNER:** Mr. Ginsburg.

7 - ooOoo -

8 WHEREUPON,

9 MICHAEL GINSBERG,

10 called on behalf of the Applicant, having previously
11 been duly sworn according to law, was examined and
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MR. BITTNER:

15 **Q Sir, if you could identify yourself, please?**

16 A Michael Ginsberg.

17 **Q And where are you employed?**

18 A KLMB.

19 **Q And what do you -- what is KLMB, and what do**
20 **you do for them?**

21 A We're a fully integrated, full-service
22 commercial real estate firm based in the Mid-Atlantic.
23 I specialize in retail leasing and retail leasing
24 only. I've been in it for over, just under eight
25 years, and I'm a partner at the firm.

1 Q Sir, why -- what can you tell us about the
2 location at 1665 Crofton Centre, Suite 9 - 19?

3 A So, I've been leasing the Crofton Centre for
4 several years now. Probably close to five. And as
5 I'm sure everyone here knows; it's seen many
6 iterations. They've gone from a Shopper's Food
7 Warehouse anchored center with a large Osaka Buffet,
8 to now what is a brand-new Giant Food, with an Ace
9 Hardware, and several other users. This is the last
10 vacancy that we have in the shopping center.

11 And when we look at retail leasing and
12 merchandising a shopping center, we look at what's the
13 highest and best use for a shopping center and the
14 specific space, and how it plays with other tenants.
15 The inherent traits of real estate that we take into
16 account in a shopping center, are visibility, access,
17 and parking. No landlord wants to hinder any of that.
18 And any landlord that enters a new commercial lease
19 with a tenant has to understand the financial
20 background, the wherewithal, its ability to succeed.
21 Because there are tons of investments that are
22 inherently involved in a transaction, just as we have
23 this one.

24 Crofton in general is a really, it's a
25 growing market. It's actually a very regional market

1 and has a very regional draw due to some of the
2 tenants that are there. I'm not sure if the people
3 here are aware, but Raising Cane's actually opened one
4 of their first units in the State of Maryland, in
5 Crofton, in one of the -- which is important to note -
6 - median pieces of real estate, a former Boston
7 Market. So, you do have both north and southbound
8 access to them. And American Eagle actually opened
9 their first out-of-store -- or out-of-mall location,
10 you know, an enclosed mall. They opened one at Waugh
11 Chapel, where the movie theater is. Which is a little
12 indicative of the market and how we see it from a
13 retail perspective.

14 Our shopping center in general is very
15 unique in how we have At Home. The closest locations
16 for other At Home locations are Glen Burnie, Maryland,
17 and Glen Arden, Maryland, which are both inherently
18 far. We have actually one of the busiest Gold's and
19 successful Gold's Gyms in the entire chain throughout
20 the entire country based on AI data, which tracks
21 cellphone data. And we obviously have a very
22 successful new Giant Food, who they're very happy with
23 and has really been serving the community well.
24 Because of these large draws, and At Home inherently
25 not being located everywhere, like you may see a

1 Starbucks, our Centre trades very regionally, drawing
2 people from Odenton, Annapolis, PG County, you know,
3 Bowie, et cetera. So, inherently, the Centre just
4 trades very regionally.

5 So, like I said, the highest and best use,
6 we look for cross-shopping and synergies between
7 tenants. You know, we want to make a shopping
8 experience a one-stop shop. We want people to come to
9 the shopping center, do their grocery shopping, go to
10 the gym, maybe grab food at one of the restaurants we
11 have, and picking up spirits and beers as well is
12 included in that trip, as it is many other shopping
13 centers that I work on and, I'm sure as many would
14 agree, everywhere. So, by having this here, I would
15 argue that it would mitigate traffic by reducing the
16 amount of stops one would need to take throughout the
17 remainder of the community.

18 It's important to note that the owner of
19 this shopping center is a publicly traded company,
20 Kimco Realty. They're not just going to sign up any
21 one-off operator and say sink or swim. They do
22 thorough vetting of operators, history, financials, et
23 cetera, negotiate strong leases to make sure that
24 they're not just signing anyone up to occupy space in
25 their shopping centers. They have shareholders that

1 they have to report to and need to show that they are
2 really qualifying and putting the right people into
3 their shopping centers.

4 I think another important thing to note is
5 that just over a year ago now I actually toured and
6 issued a letter of intent for 424, the closest liquor
7 store to the shopping center, to actually relocate
8 into the subject space that we're discussing today.
9 Thereby, further proving that they see a need to
10 expand offerings and show that there is a demand for a
11 larger liquor store, spirits, wine, et cetera, within
12 the shopping center, within the community. More space
13 is necessary, they need more parking, they need the
14 synergies with the shopping center, et cetera.

15 So, a couple other important tidbits to
16 note. As we all know, grocery stores, I think are
17 permitted to only have one license in the State of
18 Maryland. So, obviously, most of them in our state do
19 not have them. I think each one is allowed to have
20 one. But as we all know, and as we frequent grocery
21 stores, we don't see beer and wine sales in grocery
22 stores. So, having a liquor store or spirit shop in a
23 shopping center is very common and very, very
24 friendly, and what we look to do from a merchandising
25 perspective, just viewing things from a retail

1 perspective.

2 The market is very unique in that you're
3 driving pretty fast, so you can travel very quickly on
4 Route 3. It's not a back road where you have 25 miles
5 an hour with no speed cameras. The speed limit is
6 like 40, 45, maybe even 50. And the market is
7 bisected by a median, which is not necessarily easily
8 crossed over. So, you'll see like a darling jewel of
9 our industry, Chick-fil-A would never normally do this
10 unless they have really high performing units, open
11 two units within such close proximity to one another
12 because they're both, one on the north side and one on
13 the south side. As a crow flies, they're very close,
14 but driving it's not nearly as close as you would
15 think. And that's something important to keep in
16 mind. Because from a retailer's perspective, that's
17 not something that they would do hardly ever with the
18 exception of this type of market, because of the
19 median.

20 With that being said, from the two liquor
21 stores that are located at the intersection of Defense
22 Highway and Route 3, up into the intersection of Route
23 3 and Davidsonville Road, there are no other liquor
24 stores with the exception of two at that intersection
25 to the south, until you get to Davidsonville Road and

1 Route 3.

2 And I guess lastly, as I'm sure we all know,
3 construction costs have been significant since COVID,
4 which has led to a lack of new construction in our
5 retail environment. There's a new strip center going
6 to the north, a Starbucks, and I would imagine that
7 there would be a lot more new construction along the
8 Route 3 corridor and throughout Crofton if costs would
9 permit. I would imagine we'd be seeing a lot more of
10 these cases should that new construction be going up.
11 Understanding that beer, wine, liquor stores, et
12 cetera, in general, as we see it, from a retail and
13 merchandising perspective, and to certain public is a
14 very important and imperative thing to have, just
15 merchandising synergies, and typically work better
16 when they are in shopping centers with other co-
17 tenants, as I've mentioned before. Thank you.

18 Q Now, Mr. Ginsberg, you described the Crofton
19 Centre as a regional shopping center?

20 A Absolutely.

21 Q You wouldn't call it a neighborhood shopping
22 center, would you?

23 A No. I mean, I could give other examples of
24 neighborhood centers, but that is not how anyone that
25 specializes in retail real estate would classify it as

1 shopping center.

2 Q And the Crofton Centre being a regional
3 center, as you indicate, draws from a larger catchment
4 area?

5 A Absolutely. As I said, with At Home being
6 the only location until you get to Glen Burnie or Glen
7 Arden that has a huge draw, and Gold's Gyms being
8 actually one of the busiest in the entire chain, has
9 an extensive draw.

10 Q Now, you indicated that you believe this
11 license, if granted, would continue the synergy that
12 you have among the other tenants in the center, but it
13 would not lend itself to any impulse buying, like, if
14 liquor was -- alcoholic beverages were readily
15 available in a grocery store or a 7-Eleven, gas
16 station, that type of thing; is that correct?

17 A Correct.

18 Q Now, as a partner in KLM, you've done
19 research into what's the best use for -- at this
20 particular location, Suite 19?

21 A Absolutely. And I think my client, Kimco,
22 would agree that this is one of the highest and best
23 uses, if not the highest and best use for this space
24 within the shopping center. And we've maintained that
25 from the day we actually pitched the listing to the

1 former owner. Identified subject categories on
2 merchandising plan with who would fit best in this
3 vacancy. And at the time I think liquor store was at
4 the top of our list.

5 Q Now, do you believe there's sufficient
6 demand in the region for this license to be supported
7 by the community?

8 A Based on my experience and understanding of
9 the market and how things trade, and the growth, yes,
10 I do believe so.

11 Q In fact, if I understood your testimony
12 correct, prior owners of 424 Liquors sought to expand
13 into this location?

14 A Absolutely.

15 MR. BITTNER: Thank you. That's all the
16 questions that I have.

17 MR. PRALEY: Mr. Hyatt, questions?

18 MR. HYATT: Thank you.

19 CROSS EXAMINATION

20 BY MR. HYATT:

21 Q The owners of 424 Wine & Spirits, when they
22 went to look at your center there were talking about
23 relocating from their current location on
24 Davidsonville Road to the center?

25 A That's correct.

1 Q So there wouldn't be two licensed
2 establishments if they were to move there?

3 A That's correct.

4 Q There would just be the one, right?

5 A A much larger one. Correct.

6 Q Right.

7 A Probably triple the size.

8 Q And you would agree that a much larger
9 package store in your center would greatly impact the
10 current 424 Wine & Spirits, wouldn't you?

11 A Not necessarily that I would agree with
12 that.

13 Q You know that 424 Wine & Spirits is about
14 900 feet away from the proposed store?

15 A Not from the proposed store. Perhaps from
16 the shopping center itself.

17 Q Is that right? Okay. Well, let me --

18 A I'm have not created a map, but I can't
19 imagine that 900 feet would be correct.

20 Q Okay. Well, let me just show you this
21 blowup of a photograph here.

22 MR. BITTNER: No objection.

23 MR. PRALEY: Okay.

24 BY MR. HYATT:

25 Q Are you familiar with this location?

1 A Absolutely.

2 Q You know that 424 Wine & Spirits is here?

3 A Uh-huh.

4 Q And that's the entrance to the center?

5 A Correct.

6 Q And the proposed store is there; is that
7 right?

8 A This far corner, or the furthest part of the
9 shopping center away from the liquor store.

10 Q Clearly visible?

11 A Yeah. Absolutely.

12 MR. HYATT: Mr. Chairman, members of the
13 Board, this is the entrance to the shopping center.
14 This is 424 Wine & Spirits. It backs up to the
15 shopping center parking lot. And this is where the --

16 MR. BITTNER: Is this a proffer, testimony,
17 or what is it?

18 MR. PRALEY: I think he's explaining the
19 photograph the same way. We couldn't see it.

20 MR. HYATT: That's all it is.

21 BY MR. HYATT:

22 Q Mr. Ginsberg, you're not an expert in the
23 field of a need analysis or accommodation of the
24 public that an alcoholic beverage license applicant
25 has to prove here; you're not an expert in that area

1 are you?

2 A Correct.

3 Q You're a real estate broker with KLMB?

4 A (Nods head affirmatively.)

5 Q And you would earn a commission on this
6 transaction if a deal took place, right?

7 A That's correct.

8 Q So, you have a financial interest in this?

9 A Correct.

10 Q And sir, you mentioned that Crofton is a
11 growing market. In what way has Crofton grown
12 population wise, do you know?

13 A To my understanding there's residential
14 growth and new houses being built in addition to new
15 businesses moving in, stores that I had mentioned.
16 That's --

17 Q Well, let's talk numbers. Do you know the
18 numbers? What kind of population growth.

19 A I can say any numbers. No, I don't.

20 Q Did you analyze the effect that this
21 proposed license would have on other licenses within
22 the vicinity of this property?

23 A I did not.

24 Q But you're confident that you have a
25 regional center, even though there's a grocery store

1 **anchored shopping center, right? You call this a**
2 **regional center?**

3 A Most regional centers probably have grocery
4 stores that are the anchors. Correct.

5 Q **Would you care to guess what the -- where**
6 **the patrons would come from to this proposed liquor**
7 **licensed establishment?**

8 A It's a good question. And I think every
9 retailer, from my experience, views a trade area very
10 differently. One may draw a trade area five minutes
11 from the site, perhaps a Starbucks who can open many
12 stores on top of each other. Others may draw 10, 15,
13 20, even as an At Home, may draw 30-minute driving or
14 as a crow flies radius. It just totally depends on
15 the retailer.

16 Q **Given the number of packaged good stores in**
17 **the vicinity, you think people will drive 30 minutes**
18 **to the store here?**

19 A You know, it's a good question, and you
20 reminded me of a point I forgot to make. In that, you
21 know, the shopping center is pretty close to Prince
22 George's County where there are limited and restricted
23 Sunday sales on liquor. And I do think that would
24 help drive further patronage to this liquor store in
25 particular, not to mention that there are tons of

1 retail businesses in this shopping center that share a
2 lot of synergies with this use. Yes.

3 Q All right. So, you think people will come
4 up from Prince George's County, and drive past several
5 other package stores to go to this one?

6 A Perhaps if it's efficient with their route,
7 with being grocery shopping, going to the gym, perhaps
8 picking up food, going to the Dollar Store, amongst
9 other things. Yes.

10 Q Have you done a financial analysis on the
11 expected volume of sales out of this 6,000-square-foot
12 store?

13 A No. That wouldn't be my role in this
14 transaction.

15 Q Wouldn't the store be expected to pay a
16 certain percentage of their gross in rent?

17 A That's not how we would view it. If there
18 were percentage rent in the deal, perhaps, but we
19 wouldn't look to collect percentage rent. Especially,
20 I think it's important to note, while we may see some
21 information on stats and numbers, who's to really know
22 what number is being collected with the high amount of
23 cash transactions that happen. We can't really say
24 what a liquor store does in sales anywhere.

25 Q So, it's fair to say that you have an

1 applicant that's willing to pay the rent that you're
2 asking --

3 A Right.

4 Q And you think it's a use that fits there,
5 notwithstanding any other stores that are in the
6 market area. That was how you arrived at an agreement
7 with these people for the space, right?

8 A Well, I wish it were that simple. But yes.

9 Q Okay.

10 MR. HYATT: Thank you. I have no further
11 questions at this time.

12 MR. BITTNER: Just a couple on redirect if I
13 may. Did you admit this? Is it admitted?

14 MR. HYATT: No.

15 RE-DIRECT EXAMINATION

16 BY MR. BITTNER:

17 Q So for identification, Protestant's number
18 1, the picture here, Mr. Ginsberg. Mr. Hyatt asked
19 you to identify 424 Liquors back in the back corner?

20 A Correct.

21 Q That, while in this picture it looks
22 deceptively close, it's actually across Route 242 from
23 the Crofton Centre?

24 A Correct. The view from this is actually at
25 the entrance to the Crofton Centre. And the view is

1 actually pretty nice because it shows how far away
2 that this proposed space is the furthest in the
3 shopping center that my client owns as possible as it
4 can be from the 242 Liquors.

5 Q And 424, Route 424, you can't see the liquor
6 store at the back of the Crofton Centre, correct? It
7 wouldn't be visible?

8 A No. Absolutely not.

9 Q And there's no direct access from your
10 Crofton Centre to the neighborhood shopping center of
11 where 424 is located?

12 A Well, and, you know, due to the lack of
13 parking in that shopping center, I just don't even
14 know how it's feasible to have a restaurant, a 7-
15 Eleven, and a liquor store in there as it is.

16 Q And again, your commercial space, you
17 describe it as a regional shopping center?

18 A I think anyone in my space would classify it
19 as a regional shopping center. Yes.

20 Q Drawing from a much wider trade area than a
21 traditional neighborhood shopping center?

22 A Yeah. And as I mentioned before, we use new
23 data in our field that some tracks credit card and
24 other tracks cell phone, where we can actually see
25 where the patrons are coming from for the shopping

1 center. And you can see that it's quite large.

2 Q Now, it's true, if the space is rented,
3 you'll earn a commission? That's your job.

4 A Hundred percent.

5 Q But I believe you also indicated that you
6 work for a publicly traded corporation, and you have
7 certain due diligence obligations to your potential
8 tenants?

9 A To clarify, I don't work for the publicly
10 traded company. I am representing them in this
11 transaction. My employer is not publicly traded. The
12 owner of the shopping center is. And that is who I am
13 working on behalf of in this transaction.

14 Q So, on behalf of them, did you perform any
15 due diligence in regards to my clients and their
16 success at this location?

17 A Absolutely. Unfortunately, it's a rather
18 stringent process with any publicly traded REIT, which
19 are real estate investment trust, which Kimco is.
20 Credit reports are pulled, history, perhaps a call
21 with the operator or operators to vet them out and
22 their likelihood of success. And it needs to be
23 presented to a board internally at Kimco, approved,
24 and then a thorough lease is negotiated. So, it's not
25 that, like, any person can just come in and open a

1 liquor store. It's a - and it's not like it's a mom
2 and pop landlord either. It's like the arduous
3 process.

4 **MR. BITTNER:** Thank you very much.

5 **MR. PRALEY:** Any re-cross, Mr. Hyatt?

6 RE-CROSS EXAMINATION

7 BY MR. HYATT:

8 **Q** **Mr. Ginsberg, is it fair to say that Kimco,**
9 **a publicly traded REIT, doesn't care about the impact**
10 **that this store would have on any other store within**
11 **the market area; that's a fair statement, isn't it?**

12 A Unless they own another shopping center
13 where they have a liquor store, which I don't believe
14 they do in that immediate vicinity.

15 **Q** **So, that's an accurate statement?**

16 A I think so. Yeah.

17 **Q** **And, sir, you said you weren't too good at**
18 **math. I'm going to show you one drawing here. This**
19 **shows the distance. I'm going to offer this in the**
20 **record in a little bit. But this parcel 60 is 424**
21 **Wine & Spirits, you would agree with that, right?**

22 A I would agree that that's the back of the
23 parcel that 424 is located on. Not the actual --

24 **Q** **That is the parcel that it's located on,**
25 **right?**

1 A Correct. Not where the store, front of the
2 store is located.

3 Q Okay. The store front faces Davidsonville
4 Road, right?

5 A Correct.

6 Q Okay. And then the line goes to the
7 proposed 3 Cheers, right?

8 A Not quite. It goes to the middle of the
9 building that 3 Cheers is proposed to be in.

10 Q Okay. All right.

11 A If it were accurate, it would be on the far
12 corner of that building.

13 Q Okay. So, from the center to the center is
14 900 feet; would you agree with that?

15 A I would agree that from the parcel line of
16 the shopping center that 424 is in to the location of
17 -- that was -- that's probably where the pizza shop
18 was located, is 900 and 9.1 square feet.

19 **MR. HYATT:** Mr. Chairman, I'm going to offer
20 this into the record when my witness testifies.

21 I have no further questions.

22 **MR. BITTNER:** In light of that, if I may.

23 **MR. PRALEY:** Sure.

24 RE-DIRECT EXAMINATION

25 BY MR. BITTNER:

1 **Q Mr. Ginsberg, there is no direct access from**
2 **Crofton Centre to 424 Wine & Spirits, is there?**

3 A Correct. And if my memory serves me
4 correctly, the only issue we've had with that shopping
5 center is that because of the lack of parking and
6 accessibility to that shopping center, I believe at
7 times, over the years, they've actually used the space
8 adjacent to At Home in our shopping center to load to
9 the back of the tenants in the back of their shopping
10 center.

11 **Q You're referring the shopping center, the**
12 **neighborhood shopping center where 424 is located?**

13 A Correct. Using the space at the shopping
14 center that I lease.

15 **Q Crofton Centre has not had any parking**
16 **problems, have they?**

17 A We probably are well over parked based on
18 what's required by code, especially by having At Home.
19 A furniture retailer is historically, and you can see
20 for yourselves, we don't want the lease off of them
21 because they just don't draw much traffic to the
22 shopping center. So, when you go to a shopping center
23 you see an empty parking lot, doesn't show well for a
24 perspective tenant. Fortunately, it bodes well for
25 tenants that need parking, which we have an abundance

1 of.

2 **MR. BITTNER:** Thank you.

3 **MR. PRALEY:** Anything else, Mr. Hyatt?

4 **MR. HYATT:** No.

5 **MR. PRALEY:** Mr. Chairman, do you have any
6 questions of Mr. Ginsberg?

7 **CHAIRMAN HARRIS:** No. No questions for Mr.
8 Ginsberg.

9 **MR. PRALEY:** Commissioner Duffie, any
10 questions for Mr. Ginsberg?

11 **COMMISSIONER DUFFIE:** No questions.

12 **MR. PRALEY:** Commissioner Snoops?

13 **COMMISSIONER SNOOPS:** No questions.

14 **MR. PRALEY:** All right.

15 **MR. BITTNER:** Okay. Thank you, Mr.
16 Ginsberg.

17 If the Board please I call at this time Mr.
18 Jon Arason. Mr. Chairman, I've previously submitted
19 Mr. Arason's report and his resume. He has testified
20 before the Board of License Commissioners before. And
21 I'd offer to move him as a expert in land planning,
22 land use and long-term use planning.

23 **MR. PRALEY:** Okay.

24 **MR. HYATT:** No objection.

25 **MR. PRALEY:** Okay. Great. Thanks. He'll

1 be so qualified.

2 MR. BITTNER: Thank you. So at this time
3 I'll call Mr. Arason.

4 - ooOoo -

5 WHEREUPON,

6 JON ARASON,

7 called on behalf of the Applicant, having previously
8 been duly sworn according to law, was examined and
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. BITTNER:

12 Q Sir, you've been sworn. If you could just
13 give the Board just a very brief summary of your
14 background.

15 A Yeah. I've got a master's degree in urban
16 regional planning from the University of Virginia.
17 I've got planning director for the City of Annapolis
18 for 18 years. I've got 30 or at least 35 years -- my
19 first planning job was in 1981. I started working in
20 municipal planning, and then since 2013 as a
21 consultant.

22 Q Thank you, sir. Now, at the request of my
23 clients, did you undertake a study, an evaluation to
24 be able to render an opinion as to whether or not this
25 proposed location of a Class A, 6,000-square-foot

1 **Class A liquor store, at 1665 Crofton Centre, Suite**
2 **19, is needed to accommodate the public and that the**
3 **public desires this location?**

4 A Yeah. As a matter of fact, I looked at it
5 in terms of all the required findings that the Board
6 has to make. So I did -- that's one of the findings
7 that I looked into.

8 **Q Can you summarize for the Board the basis of**
9 **your investigation and what your opinion is?**

10 A Sure. You have to remember that it's the
11 totality of the testimony. Mr. Ginsberg described the
12 shopping center, so I'm not going to get into that.
13 There are a couple of things that this site actually
14 enjoys. I think the first is that Mr. Ginsberg
15 touched on is its location on the east side of
16 Maryland Route 3. Maryland Route 3 is designated as a
17 principal arterial highway. It connects I-97 with
18 Route 50 and points further north and further south.
19 It serves regional and thru traffic as well as Waugh
20 Chapel, Crofton, the new Two Rivers development and
21 other areas, residential areas in the vicinity. Three
22 lanes each direction, and turning lanes at certain
23 intersections. The State Highway Administration
24 average daily traffic map puts this around 75,000
25 vehicles a day that go up and down Route 3, which

1 makes it very attractive for businesses to locate with
2 that kind of volume.

3 The proposed location of 3 Cheers has direct
4 access to Route 3 by Crofton Drive which basically
5 functions as the entrance to the shopping center, and
6 it also has acceleration and deceleration lanes to
7 turn into the shopping center or leave the shopping
8 center onto Route 3. 3 Cheers would be the only
9 package goods store on the east side of Route 3 for
10 approximately two miles as a crow flies. Other
11 package good stores in the vicinity on the west side
12 are accessed off of Davidsonville Road, which is a
13 minor arterial designation, or Defense Highway, where
14 you have actually two liquor stores. You have Crofton
15 Liquors and you've got Fat Boys restaurant and liquor
16 store.

17 The proposed location is in a shopping
18 center. It also has a Gold's Gym and a grocery store,
19 as you heard. The draw will be more than just the
20 neighborhoods, the populations around this particular
21 center, but all the people that come to that shopping
22 center who want to make it a one-stop shop. They can
23 buy their groceries and then they can buy their
24 spirits, wine, beer, whatever. The site doesn't
25 really accommodate the public. It may even increase

1 safety on the road by reducing the numbers of trips
2 the cars have to make. If you want to go from the
3 shopping center to, for example, 424 Liquors, you have
4 to turn right out of the shopping center and then get
5 on Davidsonville Road, and then it's an almost
6 immediate right to get into 424 Liquors. You'd be
7 eliminating that turning movement.

8 **Q Now, Mr. Arason, you're aware that there**
9 **currently exists other points of off-sale alcoholic**
10 **beverages in the general area, correct?**

11 A Yeah. There's seven.

12 **Q And --**

13 A At least I counted seven.

14 **Q Can you tell the Board why you believe that**
15 **there is a need to accommodate the public with this**
16 **additional Class A license of 6,000 square feet?**

17 A I think that if you look at Route 3 as a
18 sort of barrier that it is between properties on the
19 east and the properties on the west, that you can say
20 that actually there aren't seven liquor stores in the
21 immediate vicinity, that you've only got 424, Angel's
22 Share, Fat Boys, and Crofton Liquors. I believe that
23 any time you give people an opportunity to turn safely
24 on and off a well-traveled highway and go into a large
25 parking lot that you are providing -- you are

1 accommodating the public in such a way that the need
2 is there. Looking at the population numbers which I
3 provided, I looked at all of the census tracks in
4 Anne Arundel County within three miles of this
5 location. In between 2010 and 2020 there was a
6 population increase of 6700 units or people plus or
7 minus. And in terms of households, an increase of
8 about 2,000, 2,050. So, it's not spiraling
9 exponential growth, but the area is growing. And a
10 lot of that growth is actually Two Rivers development,
11 which is just out there.

12 **Q And if I may, I don't want to interrupt your**
13 **train of thought, but I submitted -- we picked up a**
14 **typo in the report, and I submitted (indiscernible).**
15 **So, it's no new licenses since 2020. I believe that's**
16 **what he testified to.**

17 **A And there's another typo I picked up. And**
18 **that was on page two at the top. The combined**
19 **population is actually 56,974 not the number that I**
20 **put in there.**

21 **Q Now, Mr. Arason, is it your opinion that not**
22 **only given the growth in the immediate area but the**
23 **fact that the Crofton Centre is a regional center,**
24 **that there is sufficient sales, sufficient purchase**
25 **power, if you would, to support this new license?**

1 A I believe that the patrons of the package
2 good store is going to be more than just people that
3 live around there. I mean, Crofton, the whole Waugh
4 Chapel area is a major mixed-use commercial center
5 with offices, retail service employees who may want to
6 stop by on their way home and pick something up. So,
7 there is more people out there than just the
8 residential population in various neighborhoods.

9 **Q So, would it be your opinion that the**
10 **current liquor stores, current off-sale licenses are**
11 **not serving this destination customer who is coming to**
12 **the Crofton Centre?**

13 A I don't know where the people who are coming
14 to the Crofton Centre are going to buy, purchase
15 alcoholic beverages. I do know that if they are
16 planning to purchase alcoholic beverages while they're
17 out in that area, they're going to have to turn onto a
18 highway and then turn off of a highway somewhere. If
19 there is a alcoholic beverage store in the shopping
20 center, they'll just go over to the alcoholic beverage
21 center that's in the shopping center that they're
22 already patronizing.

23 **Q Now, in that same vein, can you speak to the**
24 **consumption patterns of the general public, and**
25 **particularly consumption patterns here in Anne Arundel**

1 **County, consumption of alcoholic beverages?**

2 A I can certainly speak to mine. Looking at
3 -- and I've got the cover sheets here. Looking at
4 data from the Comptroller's Office, data from National
5 Institute of Alcohol Abuse and Alcoholism, distilled
6 spirits consumption in Anne Arundel County grew to
7 3.17 gallons in 2023, which was 10 percent higher than
8 it was in 2022.

9 **Q Now, that's after historic rises in**
10 **consumption during the COVID closures?**

11 A Yeah. Consumption really went up during
12 COVID.

13 **Q And then there was a drop off in 2023,**
14 **2022/2023 generally; is that what I understand?**

15 A Yeah. That's what I understand as well.

16 **Q But here, in Anne Arundel County, it was**
17 **actually an increase in consumption?**

18 A I'm sorry?

19 **Q That actually here, in Anne Arundel County,**
20 **there was a higher increase than the norm in**
21 **consumption patterns?**

22 A Yes, I think so.

23 **Q And that those consumption patterns have**
24 **remained up after their initial downturn after COVID;**
25 **is that correct?**

1 A It looks like that's the case.

2 Q So, if I understand your report, there's
3 increased consumption of alcoholic beverages in the
4 area; is that right?

5 A That's correct.

6 Q And that this being a regional shopping
7 center, draws from a larger trade area than perhaps
8 the existing stores, alcoholic beverage stores, Class
9 A, off-sale stores perform currently?

10 A That's correct.

11 Q Now, did you look at the impact that this
12 license, if it's granted, would have on the health,
13 safety, welfare of the community, particularly traffic
14 and crime, parking?

15 A The location -- this is going to be an
16 inline store in a shopping center that's got some
17 pretty big tenants. But based upon my experience, I
18 can see -- I can't see how the liquor store here would
19 have any negative impacts on crime, traffic, public
20 health, safety and welfare. There's no reason to
21 assume that that would happen.

22 **MR. BITTNER:** Thank you. I don't have any
23 other questions.

24 **MR. PRALEY:** All right. Mr. Hyatt?

25 **MR. HYATT:** Yes. Thank you.

1 CROSS EXAMINATION

2 BY MR. HYATT:

3 Q Mr. Arason, in your report you use a variety
4 of census tracks that are within the vicinity of this
5 property; is that right?

6 A That's correct.

7 Q And so, that -- is it your conclusion that
8 that's the market area more or less?

9 A I don't know if that's the market area, but
10 that's using about three miles of the consensus track.

11 Q Then why did you do that?

12 A Well, the same reason I guess why you do a
13 10-minute drive or a five-minute drive.

14 Q I mean, isn't that where the bulk of the
15 customers would come from, within a 10-minute drive?

16 A The line that I drew for the three miles is
17 where most the neighborhoods and residents are out
18 there.

19 Q Right. And that's the market, isn't it, for
20 this store?

21 A Well, no. Because Mr. Ginsberg and I have
22 saying is that because it functions as a more regional
23 shopping center, a lot more people are going in there
24 than in the immediate vicinity or within radius.

25 Q Well, I know you used the term "regional

1 shopping center." We've heard that a couple times
2 tonight. But why do you say this regional shopping
3 center? You didn't say that in your report. It's a
4 neighborhood shopping center with a grocery store;
5 isn't that correct?

6 A Well, and an At Home store and a Gold's Gym.
7 I mean, I just heard Mr. Ginsberg's testimony and he's
8 the expert on that, and he called it regional.

9 Q But that's not what you called it in your
10 report?

11 A I don't know if I called it anything.

12 Q But for our purposes three-mile radius is
13 what you studied, and that's where you determined
14 there was a need for another alcoholic beverage
15 business?

16 A That's correct.

17 Q And you indicated that the population growth
18 in those census tracks from 2010 to 2020 went up by
19 6,750 people, right?

20 A That's correct.

21 Q That's not very much growth, is it?

22 A I believe --

23 Q Over 10 years?

24 A I believe I said in my testimony that it's
25 not an exponential growth. No.

1 Q It's pretty light growth, isn't it?

2 A But it's still growth.

3 Q I understand. It's not negative, but it's
4 pretty light, wouldn't you agree?

5 A Two thousand new households. I'm not going
6 to speculate because I don't -- I can't say if that's
7 heavy or light for Crofton. Crofton is an older,
8 established area. And I did note that a lot of that
9 probably came from Two Rivers.

10 Q So, how do you account for demand for
11 alcohol countywide? How does that factor into whether
12 a store, a Class A license is needed at this location?

13 A You have to go with the data you have, Mr.
14 Hyatt. And the data that we have from the
15 Comptroller's office is countywide. So, you assume
16 that there is a baseline across the county. And
17 probably some people drink a little bit more, and some
18 people drink a little bit less.

19 Q But that doesn't relate to this particular
20 location, this countywide, correct?

21 A That location is in Anne Arundel County, and
22 I used the Anne Arundel County data.

23 Q Okay. The -- you mentioned you obtained
24 information from the comptroller. Did you obtain a
25 total of alcoholic beverage sales from package stores

1 **within the market area?**

2 A I just used their summaries in their annual
3 reports from '21 and '22. That's all I used.

4 Q **And is that also growing or is that**
5 **shrinking?**

6 A Well, the data showed increase in alcoholic
7 beverage consumption in Anne Arundel County.

8 Q **But not in the market area, right?**

9 A Well, it's for Anne Arundel County.

10 Q **Okay. All right.**

11 A I mean, the market area could have grown
12 fast or it could have grown slower.

13 Q **So, you don't know is the answer, right?**

14 A Right. I'm just trying to make an educated
15 assumption.

16 Q **Okay. Would you agree that it would be**
17 **unusual for this Board to grant a Class A license**
18 **that's 900 feet from another Class A license?**

19 **MR. BITTNER:** Objection. That's way beyond
20 his --

21 **MR. PRALEY:** He's testified. We'll overrule
22 it. I think he's testified as an expert before. He's
23 seen this.

24 **THE WITNESS:** Well, they approved Crofton
25 Liquors and Fat Boys right next to each other.

1 They're probably 50 feet away from each other. So,
2 it's just hard to say. And the Board has ample
3 discretion based upon the evidence that's presented to
4 them.

5 BY MR. HYATT:

6 Q I understand that. But when you're 900 feet
7 apart, isn't it a tall order to say that there's a
8 public need for another Class A establishment that's
9 on the same side of Route 3?

10 MR. BITTNER: Objection to the form of the
11 question.

12 MR. PRALEY: Overruled.

13 THE WITNESS: Could you run that by me
14 again?

15 MR. HYATT: Sure. Let me rephrase it.

16 BY MR. HYATT:

17 Q We would have -- if this license is granted,
18 we would have two Class A licenses on the same side of
19 Route 3, 900 feet away from one another; do you think
20 --

21 A I came up with about 1,000 feet. But it's
22 close.

23 Q I'll show you the distance map in a minute.
24 Okay.

25 A Well, I went out the driveway, turned right

1 onto, and then turned right into the proposed
2 (indiscernible). But I won't quibble with you over
3 100 feet.

4 Q Okay. And don't you think that would be
5 unusual? Do you think that satisfies the public need
6 when they're that close together?

7 A I think it probably does, based upon
8 testimony that was given.

9 Q Okay. Did you analyze whether this license,
10 the 6,000-square-foot store would have a negative
11 impact on any of the other licenses, any of the other
12 Class A licenses within the market area?

13 A I stated the Class A licenses that are in
14 the area. And based upon population growth, growth of
15 consumption of alcoholic beverages, I came to the
16 conclusion that there was public need.

17 Q I understand that. That's your conclusion.
18 I get that. But my question is whether you believe
19 this establishment, at this shopping center, 6,000-
20 square-foot Class A would have a detrimental effect or
21 a negative effect on other Class A licenses that you
22 enumerated? Where would the sales come from in other
23 words?

24 A The sales would come from people who are
25 coming into the shopping center, people who are

1 driving, probably northbound on Route 3, and for
2 people who live in the area.

3 Q All right.

4 A It's a lot of people.

5 Q So, how about answering the question. Did
6 you analyze whether there would be a negative effect
7 on any of these seven Class A licenses that are within
8 the vicinity?

9 A How do you define negative effect? Do I
10 think that it will introduce more competition in the
11 area? Yes, it will.

12 Q It will have a negative effect?

13 A No. It will offer competition.

14 MR. BITTNER: Objection. That's not what he
15 said.

16 MR. HYATT: All right. Well, then, look,
17 I'd like him to answer the question. That's what I'm
18 asking.

19 THE WITNESS: Well, it could cause them to
20 up their game too.

21 BY MR. HYATT:

22 Q But you didn't analyze whether there would
23 be a negative effect on other Class A licenses?

24 A On any particular store.

25 Q On any of the seven?

1 A No.

2 Q Okay. You didn't do that. Okay. That's
3 all I wanted to know.

4 Do you know what the anticipated filing of sales
5 would be out of this 6000-foot proposed store?

6 A No.

7 Q Do you know what the average store sales are
8 in the area?

9 A No.

10 MR. HYATT: Okay. Thank you. I have no
11 further questions.

12 MR. PRALEY: Mr. Bittner, redirect?

13 MR. BITTNER: Thank you.

14 RE-DIRECT EXAMINATION

15 BY MR. BITTNER:

16 Q So, Mr. Arason, you didn't do a direct
17 analysis as to what if any effect this new store might
18 have on the existing stores because you found that
19 there is an existing need, correct?

20 A I'm not qualified to do a market study.
21 That study, the demographics of the area or general
22 who is using the shopping center in terms of the
23 regional center. Just tried to look at need based
24 upon the growth and population of accessible location
25 and the alcoholic beverage consumption.

1 Q So, as I understand it, you found the need
2 based on growth in the area, growth in consumption; is
3 that right?

4 A Correct.

5 Q And if I understood your testimony and your
6 report correctly, your opinion is also based on the
7 unique nature of this location being a regional
8 shopping center?

9 A Correct.

10 Q Though you may not have used that term of
11 art in your report?

12 A That's correct.

13 Q Now, based on your experience, would you
14 agree with me that the physical distance between any
15 two off-sale points of alcoholic beverages is not the
16 sole dispositive question on whether or not there's a
17 need to accommodate the public?

18 A No, it's not.

19 **MR. BITTNER:** And the Board certainly is
20 well aware where and how things are located throughout
21 the county. And we know there are many places -- and
22 I'll just ask you to take administrative notice of
23 your own records -- where they're in close proximity,
24 across the street, next to each other. I save further
25 comments for closing on that.

1 Thank you. That's all the questions I have
2 of Mr. Arason.

3 **MR. PRALEY:** Mr. Hyatt, any recross?

4 RE-CROSS EXAMINATION

5 BY MR. HYATT:

6 **Q** Mr. Arason, I would acknowledge that it's
7 not the sole factor, proximity, but it's pretty
8 important, isn't it?

9 A You know, half of trying to do a
10 transportation study was always the psychology of the
11 driver and what the driver was willing to do. I think
12 the distance is important, but I also think that how
13 you navigate that distance could be important as well.

14 **Q** And tonight we're calling the Giant-anchored
15 shopping center a regional shopping center, aren't we?
16 Right?

17 A That's what it was called. Yes.

18 **Q** Well, if that's a regional shopping center,
19 what would you call Arundel Mills, for example?

20 A A pretty big mall.

21 (Laughter.)

22 **MR. HYATT:** Thank you.

23 **MR. PRALEY:** Anything else, Mr. Hyatt?

24 **MR. HYATT:** No.

25 **MR. PRALEY:** Anything in follow-up, Mr.

1 Bittner?

2 RE-DIRECT EXAMINATION

3 BY MR. BITTNER:

4 Q Mr. Arason, what makes the Crofton Centre a
5 regional shopping center is the location of the only
6 At Home store in the general vicinity; isn't that
7 right?

8 MR. HYATT: Are you asking a question or are
9 you giving him the answer?

10 MR. BITTNER: Well, let me rephrase the
11 question.

12 BY MR. BITTNER:

13 Q Does the fact that an At Home store being
14 located in the Crofton Centre make any difference in
15 your analysis?

16 A It gives it a larger draw. And I just want
17 to respond to, as well. You heard the testimony, you
18 heard it's not a neighborhood center. It may not be a
19 center on a scale of Arundel Mills or even Waugh
20 Chapel across the street. But it still serves a much,
21 much larger area than just a Giant or something like
22 the Giant with a strip center but because you have
23 larger retail draws like Gold's Gym or like At Home.

24 MR. PRALEY: Anything further, Mr. Bittner?

25 MR. BITTNER: No.

1 **MR. PRALEY:** Mr. Hyatt?

2 **MR. HYATT:** None for me.

3 **MR. PRALEY:** All right. Great. Thanks.

4 Mr. Bittner, next witness.

5 **MR. BITTNER:** That would be the Applicant's
6 case.

7 **MR. PRALEY:** Okay. So, what we'll do now is
8 we will hear from members of the public. And
9 obviously, Mr. Bittner, you'll have an opportunity to
10 present a closing argument at the culmination of the
11 Proponent's case. So, this is going to be members of
12 the public. We're going to start off with individuals
13 who wish to testify in favor or in support of this
14 license. So, if there's anybody from the public who
15 wishes to testify in support of the granting of this
16 license, please come forward. Mr. Arason, if you
17 don't mind stepping back. We'll use that chair for
18 people to testify.

19 So, if there's anybody here who wants to
20 identify in support of this license, you can come
21 forward. We're going to ask that you identify
22 yourself, put your name and address on the record.
23 And then Michele has a nice clock there that can show
24 you the time that you have. Okay.

25 **MR. OBEROI:** My name is Matt Oberoi, 22301

1 Lost Branch Circle, (indiscernible) Virginia.

2 MR. BITTNER: Sir, sir. He's a proponent.
3 He was here and went on record as a proponent.

4 MR. PRALEY: Okay.

5 MR. BITTNER: Husband of Ms. Kareer. So, I
6 don't believe it's your opportunity right now.

7 MR. OBEROI: Oh, okay.

8 MR. PRALEY: So, you're against the license?

9 MR. OBEROI: For.

10 MR. BITTNER: He's for the license. Oh, I
11 thought you called for opponents.

12 MR. PRALEY: No, no, no.

13 MR. BITTNER: My apologies.

14 MR. PRALEY: Sorry. That's okay.

15 MR. BITTNER: Please, --

16 MR. PRALEY: If he's in favor, we're going
17 to have those individuals in favor of granting the
18 license first, and then individuals who are opposing
19 will go after.

20 MR. BITTNER: My apologies.

21 MR. PRALEY: Not a problem. No, no.

22 CHAIRMAN HARRIS: Start the clock over.

23 CHIEF INSPECTOR FORD: Sir, add your name to
24 the list here.

25 MR. OBEROI: Sorry?

1 **CHIEF INSPECTOR FORD:** You need to sign the
2 list.

3 **MR. OVEROI:** Oh, yes. I will do so. Yes.

4 **MR. PRALEY:** Okay.

5 - ooOoo -

6 WHEREUPON,

7 MATT OBEROI,

8 having previously been duly sworn according to law,
9 was examined and testified as follows:

10 **MR. OBEROI:** The reason why I'm in favor of
11 this liquor store is the overall experience that we as
12 customers want from a liquor store. There is always a
13 need for a small store where we can get in and get
14 out. However, this being a large 6,000-square-foot
15 space, it provides a completely different kind of
16 experience. And one of the things that I like about
17 the way this particular business plan was put together
18 is its promotion of local beverages and local
19 distilleries in the Maryland and Virginia area, where
20 this particular location is going to promote. It's
21 going to provide that kind of an experience, an
22 eclectic experience to very distinct taste that we see
23 coming in this county, where more people with better
24 taste and better discerning taste would like to
25 explore and experience new experiences. And that

1 experience will not come from a 900-square-foot shop
2 where you're just getting in and getting out. This is
3 more of a very, very, very high-level experience that
4 this store would like to bring. And there is market
5 for both. There's a market for people who just know
6 exactly what they want. Like Mr. Ginsberg said, grab
7 a Coors Light and walk out. While there's another
8 experience when you're looking at very eclectic
9 selections of different types of beverages coming
10 from regional stores and regional distilleries and
11 (indiscernible) in the Maryland area, promoting their
12 businesses, promoting their successes, and helping the
13 entire economy with better liquor sale.

14 **MR. PRALEY:** Okay. Thank you.

15 **MR. BITTNER:** Thank you.

16 **MR. PRALEY:** Now, is there anybody else who
17 wishes to testify in support of this license?

18 (NO RESPONSE.)

19 **MR. PRALEY:** Okay. Nobody coming forward.

20 We'll now turn to the individuals who wish
21 to testify against the issuance of this license. And
22 I see a lot of hands going up. I just want to remind
23 everybody that you're going to have two minutes. And
24 if somebody before you says something that's already
25 been said, no need to say it again. It will certainly

1 be considered.

2 So, just like the gentleman who testified,
3 come on forward. We're going to get your name and
4 address for the record, and you'll have two minutes.
5 Okay. Whoever wants to go first can go ahead right
6 next to the microphone. And we'll just get your name
7 and address first.

8 - ooOoo -

9 WHEREUPON,

10 YOGESH PATEL,

11 having previously been duly sworn according to law,
12 was examined and testified as follows:

13 **MR. PATEL:** My name is Yogesh Patel. And my
14 address is 2306 Turnbridge Court, Crofton, Maryland
15 21114.

16 **MR. PRALEY:** Okay. Go ahead.

17 **MR. PATEL:** I just want to say, in the 10
18 years they say the population growth has been 6,000
19 plus people. Why are we doubling our stores, number
20 of stores. This will be the eighth liquor store. A&A,
21 Angel's Share and Fat Boys. We have had those three
22 licenses in those 10 years. This is the fourth one.
23 So that's concerning. I mean, for 6,000 more people
24 we're doubling the number of our liquor stores. It's
25 ridiculous.

1 Like this gentleman with KNLB, he said
2 because the 424 wanted to move into the bigger store
3 because the store, the size would help them. But
4 really it was leasing issues. So, the landlord
5 wasn't giving them enough lease. So, they weren't
6 coming to terms. That's why he ended up --

7 **MR. BITTNER:** I'm going to object on the
8 basis of knowledge.

9 **MR. PRALEY:** It's just a -- we're not --
10 it's just public comment here.

11 **MR. BITTNER:** Yeah. So, no question.

12 **MR. PRALEY:** Sure.

13 **MR. PATEL:** So, just letting you know, if he
14 had to move, they would have moved because even the
15 new owners did decide to stay with the same lease deal
16 because they were able to come to terms. So, that's
17 that.

18 Another thing they said about is why was Fat
19 Boys given the license within the same shopping
20 center. I believe that was because they were
21 grandfathered in. I think they had a certain kind of
22 D license or something, that they were able to move
23 that in and get that license. That's another point of
24 mine that I wanted to make out of there.

25 Currently, those are the points that I have

1 right now.

2 MR. PRALEY: Okay. Thank you.

3 MR. BITTNER: I may not inquire?

4 MR. PRALEY: No. It's just public comment.
5 We're not doing inquiries from members of the public.

6 - ooOoo -

7 WHEREUPON,

8 MALLORY MALLA,

9 having previously been duly sworn according to law,
10 was examined and testified as follows:

11 MS. MALLA: Hi. Good evening.

12 MR. PRALEY: Name and address first, please.

13 MS. MALLA: Okay. So, my name is Mallory
14 Malla. I live at 1711 Jones Falls Court, Crofton,
15 Maryland 21114. I actually am opposed because I
16 actually work and own and operate actually in the same
17 Crofton Centre that they would like to build. I
18 disagree with traffic. It is extremely difficult to
19 get in and out of this shopping center. It is very
20 detrimental to my clientele. I own a salon. You
21 can't even get in. They can't find parking. And At
22 Home just generates actually more people to have less
23 parking spots for people that work and operate there.
24 So, I think that this would be actually a negative
25 impact on me as a separate business owner. Because

1 then I have nowhere else for, like, my clientele to
2 actually park.

3 So, I am opposed because it would impact me.
4 Not just their business but also my business as well.
5 Okay. Thank you.

6 **MR. PRALEY:** Thank you.

7 **MR. BITTNER:** No questions?

8 **MR. PRALEY:** No.

9 **MR. BITTNER:** Just for the record.

10 **MR. PRALEY:** That's fine for the record.
11 It's public comment.

12 **MR. BITTNER:** Okay.

13 - ooOoo -

14 WHEREUPON,

15 KAITLIN HAU,

16 having previously been duly sworn according to law,
17 was examined and testified as follows:

18 **MS. HAU:** Hi. My name is Kaitlin Hau. I
19 reside at 1492 Chatham Court, Crofton, Maryland. I
20 reside in Maryland for over, well, my whole life, for
21 over 34 years. And I know how detrimental this
22 shopping center is for the business and everyone in
23 the community. As someone that literally works with
24 the community and talk to everyone, there's not a need
25 for another liquor store. We already have eight in

1 that, in our whole county for Crofton. And it's an
2 overabundance.

3 Also, for the fact that that shopping center
4 people go grocery shopping, they do stop by 424 to go
5 get their items. And that would take away business
6 from them as well.

7 **MR. PRALEY:** Thank you.

8 - ooOoo -

9 WHEREUPON,

10 CHEOL KIM,

11 having previously been duly sworn according to law,
12 was examined and testified as follows:

13 **MR. KIM:** Hi. My name is Cheol Kim. I own
14 the liquor store just across the street, on 424.

15 **MR. PRALEY:** Can we get your address,
16 please?

17 **MR. KIM:** 1286 Maryland (indiscernible),
18 Crofton, Maryland 21114. Every year liquor, wine,
19 beer increase. But since several years Angel's Share,
20 A&A, they open, we decrease our annual sale. The
21 reason is, we already have eight of them in there jut
22 that area. So, I hope it is enough. They keep saying
23 the increased population growing. There are people
24 drinking not at all. Right. Just a increase little
25 bit of people drinking. So, I say please, not that

1 open door, that area, please. Thank you.

2 **CHAIRMAN HARRIS:** Thank you.

3 **MR. BITTNER:** And, again, I just make, just
4 for the record, I would have had questions.

5 **MR. PRALEY:** No doubt in my mind, Mr.
6 Bittner.

7 **MR. BITTNER:** I can proffer for the record -
8 - ooOoo -

9 WHEREUPON,

10 ROBERT RAI,
11 having previously been duly sworn according to law,
12 was examined and testified as follows:

13 **MR. RAI:** My name is Rob Rai. My address,
14 1708 Braddock Drive, Crofton, Maryland 21114. I was a
15 licensee at 424 Wine & Spirits for 44 years until
16 recently when we sold.

17 A couple of things, since our name was
18 brought up in here tonight. Did we explore moving to
19 the center at that location? Yes. And why didn't we
20 do it? Because we had very contentious
21 (indiscernible) sale with our landlord, who was doing
22 some extraordinary things to try to block us. So, it
23 would be less than due diligence for us to not to at
24 least have explored all of our options, which is the
25 only thing we were doing. It's not something that we

1 really wanted to do. It would very much have been a
2 last option for us. So, -- and to characterize it as
3 anything else is just not true. So, fortunately,
4 everything got straightened out. We found great
5 owners now to take over the store, a local business
6 man who owns it, which you'll meet later. Or you may
7 get to talk to later.

8 So, a couple other -- one other thing. I
9 don't want to step on what anybody else said. When
10 their expert talked about growth and consumption, they
11 made a big deal about growth and consumption. If you
12 go back and listen to what he testified about, he only
13 talked about distilled spirits. Now, the State of
14 Maryland, the Comptroller's Office tracks three
15 different types, distilled spirits, beer and wine.
16 Now, he conveniently left out beer and wine. Because
17 I think if he would have put it in there, you would
18 see that everything was going down. The distilled
19 spirits went up. We all know that. Whiskeys are more
20 popular, scotches, those kind of things. But the beer
21 and the wine, which we also depend on, are down. And
22 I think it's kind of a convenient thing that he left
23 out, something that the Board may want to take a look
24 at, to make sure you've got all the facts. Thank you
25 so much.

1 **CHAIRMAN HARRIS:** Thank you.

2 **MR. PRALEY:** Anybody --

3 - ooOoo -

4 WHEREUPON,

5 SAM CHANEY,

6 having previously been duly sworn according to law,

7 was examined and testified as follows:

8 **MR. CHANEY:** Hello. My name is Sam Chaney,

9 2701 Middle Neck Road, Odenton, Maryland 21114. I

10 just have some bullet points of things that I said.

11 So, I'm going to just run through them in no

12 particular order.

13 First off, I keep hearing the word regional

14 shopping center. I'd like to -- I owned a bar and

15 restaurant in that shopping center years ago. When

16 Gold's Gym first came in, it didn't help us at all.

17 The people that go to Gold's Gym wanted to get in and

18 get out as fast as they could. I worked closely with

19 the GM, John, and the owner, Bruce. I accepted a

20 lifetime free membership there because of all the help

21 that I gave Bruce in the beginning. They helped write

22 out menus, they helped promote, they did all kinds of

23 things, and we still never saw business from Gold's

24 Gym. Those people get in and get out. The regional

25 shopping center in the area is Waugh Chapel.

1 Angel's Share is 5200 feet away, the same
2 exact side of the road. PG County is no longer
3 restricted like was just testified earlier. I go to
4 road trip myself on Sundays sometimes just to look at
5 different stores.

6 Let's see, I already said that. A couple
7 things here. So, the -- I don't know the new owners
8 of 424, but I feel for them. The Board has graciously
9 allowed my store to expand in the past four months,
10 and also allowed Village to expand as well. I know we
11 spent a couple hundred thousand dollars in doing that.
12 I can only assume that Village has done the same. I
13 don't know the sale price of what 424 was sold for,
14 but I can assume it was a couple million dollars as
15 well. You know, it's a business that's been in town
16 for 44 years. They are the local store in town. And
17 I see another liquor store as putting a huge financial
18 burden with so many liquor stores being in that 3.8-
19 mile stretch. And if you expand out to five miles, I
20 believe there are 12 or 13 liquor stores. We also
21 have beverages that we specialize in, and we're known
22 for it. And the other thing that's been kind of left
23 out is with the new licenses that people have talked
24 about that have come in, population growth, they're
25 the store of --

1 **MR. PRALEY:** That's it.

2 **MR. CHANEY:** -- 10,000 square feet.

3 **MR. PRALEY:** Any other member so the public
4 like to testify?

5 (NO RESPONSE.)

6 **MR. PRALEY:** Okay. Mr. Bittner, do you have
7 any rebuttal testimony that you'd like to provide by
8 calling any witnesses before we turn the case over to
9 Mr. Hyatt?

10 **MR. BITTNER:** Well, I wasn't allowed to ask
11 them any questions. So, I don't know how I would
12 have a rebuttal now for them. My rebuttal would come,
13 perhaps after Mr. Hyatt's case. So, I just --

14 **MR. PRALEY:** Well, the ground rules were
15 laid out at the outset of this. And if you want to
16 call any witnesses to refute what you believe may be
17 improper testimony from members of the public, you're
18 certainly welcome to do that and able to do it.

19 **MR. BITTNER:** No, thank you.

20 **MR. PRALEY:** Okay. Mr. Hyatt, call your
21 first witness.

22 **MR. HYATT:** Thank you. I'll call Ranjit
23 Hundal.

24 - ooOoo -

25 WHEREUPON,

1 RANJIT HUNDAL,
2 called on behalf of the Protestant, having previously
3 been duly sworn according to law, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. HYATT:

7 Q State your name and address for the record,
8 please.

9 A Ranjit Hundal, 11313 Marlboro Ridge Court,
10 Upper Marlboro, Maryland 20772.

11 Q Are you a licensee of the business known as
12 424 Wine & Spirits?

13 A Yes, sir.

14 Q And you're also an owner of the
15 establishment for the corporation known as Hundal and
16 Sandhu Spirits, Inc.; is that right?

17 A Yes, sir.

18 Q How long have you been an owner of 424 Wine
19 & Spirits, or how long has the Hundal and Sandhu
20 Spirits, Inc., been an owner?

21 A I think we got the license on July. So, I
22 guess a couple month, three or four months.

23 Q So, you operate the business --

24 A I operate the business.

25 Q And you've been -- is it true that you also

1 operate the 7-Eleven in that strip center there?

2 A Yes, sir. 7-Eleven next to liquor store. I
3 own that store 22 years.

4 Q So you're familiar with the neighborhood?

5 A Yes, sir.

6 Q Okay. And I'm going to show you this
7 distance map which we've shared. And I'm going to
8 offer it into the record. Just for purposes of
9 explanation to the Board, there's a parcel shown as
10 60; do you see that?

11 A Yes, sir.

12 Q Is that where 424 Wine & Spirits is located?

13 A Correct, sir.

14 Q And then there's a parcel shown as "F" as in
15 Frank, is that where the proposed 3 Cheers --

16 A Yes, sir.

17 Q -- establishment would be? And this
18 document shows that it's 900 feet away, right?

19 A Yes, sir.

20 Q And parcel 60 actually abuts the shopping
21 center's parking lot, right?

22 A Yeah.

23 Q And so, if you go toward Route 3, down
24 Davidsonville Road, the entrance into the shopping
25 center where this proposed liquor store would be, it's

1 **like --**

2 A Yeah.

3 **Q -- 100 feet past --**

4 A A hundred feet. Yes.

5 **Q I mean, very close?**

6 A Very close. Yeah. That's correct.

7 **MR. HYATT:** Okay. I offer this as our
8 exhibit, first exhibit. Do we want to label this "A"
9 or --

10 **MR. PRALEY:** Yeah. We can label it exhibit
11 "A."

12 **MR. HYATT:** Okay.

13 **MR. PRALEY:** Mr. Bittner, do you have any
14 questions -- or excuse me, objection to this?

15 **MR. BITTNER:** No, I don't.

16 **MR. PRALEY:** Okay. It will be admitted.

17 (WHEREUPON, THE DOCUMENT WAS MARKED AND
18 ADMITTED AS PROTESTANT'S EXHIBIT A.)

19 BY MR. HYATT:

20 **Q All right. As the owner/operator of 424**
21 **Wine & Spirits, do you believe that your business**
22 **would be negatively impacted if the 3 Cheers Liquors**
23 **was --**

24 A Sure. Definitely. Definitely. We lose,
25 like, almost 50 percent of our business. Because all

1 the customers around Crofton go to that big store, you
2 know, my store is only small store, you know. And
3 it's going to effect bigger.

4 Q And the 20-some years you've been operating
5 a 7-Eleven, Mr. Rai operated the store next to you; is
6 that who you bought it from?

7 A Yes, sir. Yes, sir. We know each other,
8 like, 20 years.

9 Q Okay. And it's been a center that fed, so
10 to speak, off of the adjacent shopping center?

11 A Yes, sir.

12 Q And where do your customers come from would
13 you say?

14 A Just from Route 3 or Crofton. That center
15 stores come.

16 Q So they're not coming from Baltimore or --

17 A No, no.

18 Q I mean, they're there --

19 A This is from --

20 Q -- coming from the Crofton market?

21 A Yeah.

22 Q You obtained signatures on petitions to
23 oppose this; is that right?

24 A Yes, sir.

25 Q And did you do that in your store or --

1 A Yeah. My store.

2 Q Okay. All right. I'm going to show you
3 these petitions. Actually, there's some additional
4 petitions that you had --

5 A I do. Yeah.

6 Q -- given me earlier, right?

7 A Yeah.

8 MR. HYATT: This is what we submitted to the
9 Board.

10 MR. BITTNER: Yeah. I've seen them.

11 BY MR. HYATT:

12 Q Are these the petitions?

13 A Yes, sir.

14 Q And when people signed this, what did you
15 ask them?

16 A I tell them they're building a new store out
17 here, and we know names. They say, no, we don't need
18 the store. We're close to the area. We don't need
19 that.

20 Q Okay.

21 MR. HYATT: I would offer these into the
22 record as exhibit "B."

23 MR. PRALEY: Any objection, Mr. Bittner?

24 MR. BITTNER: No.

25 MR. PRALEY: Those will be admitted.

1 (WHEREUPON, THE DOCUMENT WAS MARKED AND
2 ADMITTED AS PROTESTANT'S EXHIBIT B.)

3 BY MR. HYATT:

4 Q How big is your store; do you know?

5 A It's 1800 square foot or 2,000 square foot.

6 Q And then you serve -- you sell beer, wine
7 and liquor; is that right?

8 A Liquor. Yes, sir.

9 Q Have you observed a surge in business in the
10 time you've been there, or in speaking to Mr. Rai,
11 have you talked to him; have you seen growth, actual
12 growth in this market?

13 A Not really. We are down.

14 Q You're down sales from the time you bought
15 it?

16 A Yeah. Bought. Yeah.

17 Q Did you know -- well, how did you find out
18 that this store was going to apply for a license, this
19 6,000-square-foot store; how did you find out about
20 it?

21 A One customer told me that they're building
22 the new store around here. I said where? He said in
23 the Giant. He said behind my back yard. I said, how
24 is they going to do that? You know, even I can see
25 from there my store from the -- if I step out from

1 there, I can see that store. You know, how are we
2 going to survive that 6,000-square-foot store? And we
3 just bought this store for 1.5 million dollar on this
4 store. So, how I'm going to move forward, you know?
5 I'm going to be bankrupt if this store open, you know.

6 **Q And you work in the store?**

7 A Yes, sir.

8 **Q And the 7-Eleven, both?**

9 A Yes, sir. Both. 7-Eleven my manager run
10 the store, but I'm running the liquor store.

11 **MR. HYATT:** Very good. Thank you. I have
12 no further questions at this time.

13 **MR. PRALEY:** Mr. Bittner, questions?

14 **MR. BITTNER:** Thank you.

15 CROSS EXAMINATION

16 BY MR. BITTNER:

17 **Q Sir, did I understand that you've been**
18 **operating 424 for about two or three months -- three**
19 **or four months?**

20 A My liquor store?

21 **Q Uh-huh.**

22 A Yes, sir.

23 **Q So, you've had -- and it's your testimony**
24 **that since you took over four months ago your sales**
25 **have gone down?**

1 A Sales always go down like the new owners
2 change. People don't like it. So, but I was the own
3 that store and know the peoples, but my sales was,
4 they was declining and people selling the store. The
5 sale was down before. But we now (indiscernible).

6 **Q And your customers come from the**
7 **neighborhood; is that right?**

8 A All round Crofton.

9 **Q Okay.**

10 A Even (indiscernible) customer too.

11 **Q They don't come from Bowie or Annapolis?**

12 A No.

13 **Q They don't come from visit after going to**
14 **the home store?**

15 A From home store, what's that?

16 **Q After visiting the At Home store in the**
17 **Crofton Centre?**

18 A Yeah, they come over here.

19 **Q Okay. I thought they came from the**
20 **neighborhood?**

21 A Yeah. From, yeah, --

22 **Q They don't come -- you're not a destination**
23 **location. People don't come to your store from Bowie,**
24 **Annapolis, Fort Meade, do they?**

25 A Some people comes from, like, some people

1 stop, like, yesterday from DC. He just saw the store
2 and stop by and grab beers, you know.

3 Q But that's atypical, you'd agree with me?

4 A They come from all over the place.

5 Q Okay. You'd agree with me, sir, that you
6 would view any competition as detrimental to your
7 business, wouldn't you?

8 A Especially close to me. My back yard.

9 Q You yourself didn't see the sign that was
10 posted on the location for this hearing, did you?

11 A I did. I have a picture. I walk around all
12 the times. I see the picture. I have a picture in my
13 phone too.

14 Q You didn't see it before the customer told
15 you about it?

16 A No. I'm walking around, sir. I see that
17 sign. I go to the Giant to get my coffee sometimes
18 from the Starbucks. And I see the pizza place to buy
19 a pizza one day and I see the sign.

20 Q I thought I heard you testify that you
21 learned of this proposed store from a customer?

22 A Sir, customers talk. They talk all the
23 times. Yeah.

24 Q But you -- let me put a little finer point
25 on the question. You first learned of this

1 application from a customer; is that right?

2 A No, sir. The beer guys also telling the
3 (indiscernible) --

4 Q So, the beer guys told you?

5 A Yeah.

6 Q Okay. You didn't see the sign --

7 A I see the sign, sir.

8 Q -- before the beer guys told you?

9 A Sir, I walk around all that times. And when
10 I notice, I go there and see the signs.

11 Q You front Route 424?

12 A Excuse me.

13 Q Your store fronts 424?

14 A Correct.

15 Q Principal entrance to Crofton Centre is off
16 Route 3 north, would you agree with me?

17 A Both sides. Entrance from here too, and
18 entrance from that side too.

19 Q Okay. Thank you.

20 MR. BITTNER: That's all the questions I
21 have.

22 MR. PRALEY: Mr. Hyatt, any redirect?

23 MR. HYATT: Just a follow up.

24 RE-DIRECT EXAMINATION

25 BY MR. HYATT:

1 Q Your store does get the benefit today of
2 people visiting that regional shopping center next to
3 you, right?

4 A Yeah.

5 Q Thank you.

6 MR. BITTNER: No questions.

7 MR. PRALEY: Mr. Chairman, do you have any
8 questions?

9 CHAIRMAN HARRIS: No. No questions.

10 MR. PRALEY: Commissioner Duffie, any
11 questions?

12 COMMISSIONER DUFFIE: No questions.

13 MR. PRALEY: Commissioner Snoops?

14 COMMISSIONER SNOOPS: No questions.

15 MR. PRALEY: All right. Mr. Hyatt, next
16 witness.

17 MR. HYATT: Okay. I would call Dr. Gerald
18 Patnode.

19 - ooOoo -

20 WHEREUPON,

21 GERALD PATNODE,

22 called on behalf of the Protestant, having previously
23 been duly sworn according to law, was examined and
24 testified as follows:

25 DIRECT EXAMINATION

1 BY MR. HYATT:

2 Q All right. I know the Board knows you, but
3 go ahead and, for the record, state your name and
4 address?

5 A Dr. Gerald R. Patnode, 497 Harries Drive,
6 Gettysburg, Pennsylvania.

7 Q Dr. Patnode, what is your occupation?

8 A Well, for the last 47 years, until this past
9 May, I was a professor of marketing, dean of the
10 school of business at York College, Pennsylvania. And
11 now operate my own independent consulting practice,
12 which I did prior before --

13 Q And as part of your consulting practice you
14 worked for applicants and you worked for protestants;
15 is that right, regarding --

16 A Well, I do basic economic studies. And I've
17 worked for a whole variety of people. But, yes, I've
18 done it for both applicants and protestants. I would
19 say that probably 85 percent of my work is for
20 applicants, I do probably 15 percent of my work for
21 protestant operations. I can say that the ones that I
22 represent on the protestant side probably represents a
23 little less than 50 percent of those who approach me
24 to act on their behalf because I simply can't support
25 their plan. As I told you, there was no guarantees.

1 You were going to pay my fee, and I was going to do
2 the study, and I would tell you where the bulk came
3 out. And sometimes it comes out that I'm willing to
4 support. Many times it comes out the other way. But
5 yes.

6 Q So, I'm going to show you a document. Do
7 you recognize that?

8 A Yes.

9 Q Okay. This is your CV, right?

10 A Yes.

11 MR. HYATT: I would like to have that
12 labeled as exhibit "C" and offered into the record.

13 MR. PRALEY: Any objection, Mr. Bittner?

14 MR. BITTNER: No.

15 MR. PRALEY: That would be admitted.

16 (WHEREUPON, THE DOCUMENT WAS MARKED AND
17 ADMITTED AS PROTESTANT'S EXHIBIT NO. C.)

18 MR. HYATT: And I would ask that Dr. Patnode
19 be accepted as an expert witness in the field of needs
20 analysis and whether it's appropriate for this Board
21 to grant an alcoholic beverage license because of his
22 vast experience and his participation many times as an
23 expert before this Board.

24 MR. PRALEY: Mr. Bittner, do you have any
25 objection?

1 (NO RESPONSE.)

2 **MR. PRALEY:** Mr. Bittner, do you have --

3 **MR. BITTNER:** Well, an expert in needs
4 analysis. Certainly Dr. Patnode is an expert in land
5 use, and planning, and marketing.

6 **THE WITNESS:** And economics I would add.

7 **MR. HYATT:** Well, he has testified before
8 this Board as an expert many times.

9 **THE WITNESS:** In fact, I've worked for Mr.
10 Bittner.

11 **MR. BITTNER:** I was about to say that. So,
12 there's no question that I -- it's just how he's been
13 presented as an expert or need analysis. I think
14 that's really too narrow of a couching. So --

15 **MR. PRALEY:** Mr. Hyatt, would you be okay
16 with him to be labeled as an expert in land use and
17 zoning, and you can question him on -- I mean, would
18 that be acceptable to you?

19 **THE WITNESS:** I would raise an issue.

20 **MR. PRALEY:** Hold on. I'm not asking you.

21 **THE WITNESS:** Well, I'm going to tell you
22 what my expertise is!

23 **MR. PRALEY:** Okay. Hold on. Hold on one
24 second.

25 **MR. HYATT:** He's asking me the question, so

1 let me -- all right. I think that it is appropriate
2 for him to be considered an expert with respect to
3 whether there's an accommodation to the public for
4 this license application, based on his experience as a
5 not just land use expert, but in terms of economic
6 evaluation of licenses.

7 MR. PRALEY: Okay.

8 MR. HYATT: And so, I would ask that he be
9 accepted in that capacity.

10 MR. PRALEY: Would you be opposed to the --

11 MR. BITTNER: I would because there's
12 nothing in the report dealing with need. It's
13 economic analysis. You have to have a formulation of
14 how you arrived at your decision. There has to be a
15 methodology, not just a pedigree.

16 MR. PRALEY: And I think when you have the
17 opportunity to cross-examine him on that, and question
18 him as to how he came to that need. We're just
19 talking about merely whether he can be qualified as an
20 expert in this field.

21 MR. BITTNER: All right. Subject to my voir
22 dire.

23 MR. PRALEY: Do you want to voir dire him
24 right now?

25 MR. BITTNER: Well, I think I'd prefer to

1 hear his testimony because it's really a voir dire on
2 how he arrived at the conclusion.

3 **MR. PRALEY:** Right.

4 **MR. BITTNER:** We know his pedigree. I've
5 got no problem with that. It's how he arrived at the
6 conclusion.

7 **MR. PRALEY:** And that's fine. So, I don't
8 think that that is really pertinent. I don't know if
9 that affects his ability to qualify as an expert. So,
10 you know, over your objections that have been noted
11 for the record, we'll qualify him as an expert.

12 THE WITNESS: Thank you.

13 (WHEREUPON, THE WITNESS WAS QUALIFIED AS
14 AN EXPERT.)

15 BY MR. HYATT:

16 **Q Dr. Patnode, you were hired to provide**
17 **evidence about the license request before this Board**
18 **tonight, correct?**

19 A Correct.

20 **Q And you were hired by the folks, one sitting**
21 **next to me, who own 424 Wine & Spirits?**

22 A That's correct.

23 **Q And you know they're opposed to this?**

24 A Yes.

25 **Q Are you familiar with the standards that**

1 this Board considers in evaluating an application for
2 a Class A license?

3 A I am.

4 Q And you're familiar with the state law, the
5 alcoholic beverage Article 4-210 which says, among
6 other things, the Board shall consider public need and
7 a desire for the license and effect on existing
8 license holders; are you aware of that?

9 A Yes.

10 Q Did you perform an analysis with respect to
11 this application, whether the Class A license is
12 needed to accommodate the public and whether its
13 granting would satisfy the other criteria that I just
14 referred to?

15 A I have.

16 Q You've prepared a report which I'm going to
17 have you refer to in just a moment. But did you also
18 review Mr. Arason's report that he submitted into the
19 record here?

20 A I did.

21 Q Let me just ask you, do you agree with his
22 conclusions?

23 A I didn't see a conclusion in terms of public
24 need accommodation. His data, to a certain degree,
25 was accurate. I don't have any qualms with his

1 population figures or things of that nature. I would
2 agree that there have been very limited growth in that
3 area. In fact, in my report I used a little different
4 set of a radius. I use drive time, as this Board is
5 well aware of, from a marketing standpoint.
6 Consumption standpoint, drive time makes a better --
7 makes better sense. He did point out that the
8 developer or the broker pointed out that he also uses
9 drive time on occasion, in terms of marketplace. But
10 I just did not see anything that dealt with actual
11 demand for alcoholic beverages, nor did I see anything
12 about supply of alcoholic beverages, which would go to
13 the need and availability, nor did I see anything in
14 terms of an economic analysis of the impact of what a
15 license would be in this market area.

16 Q Okay. So, you performed this analysis. And
17 you summarized it in a written report, dated October
18 4th, addressed to me; is that right?

19 A Correct.

20 Q Can you identify that, this document; is
21 that your report?

22 A Yes. That is it.

23 MR. HYATT: I would offer that into the
24 record as our exhibit D. Giving you, Mr. Bittner, a
25 copy.

1 **MR. PRALEY:** Mr. Bittner, any objection?

2 **MR. BITTNER:** No.

3 **MR. PRALEY:** That will be admitted as
4 exhibit D.

5 (WHEREUPON, THE DOCUMENT WAS MARKED AND
6 ADMITTED AS PROTESTANT'S EXHIBIT D.)

7 BY MR. HYATT:

8 **Q** Rather than ask you questions at this time,
9 would you summarize --

10 A Sure.

11 **Q** Well, giving the lateness of the hour, I
12 want you to summarize the important features of this
13 report and describe how you arrived at your
14 conclusion. And of course, explain what your
15 conclusion is.

16 A Right. I'll start with my conclusion that
17 the -- there is -- the market is very well satisfied
18 with the existing licenses in the marketplace. And
19 I've come to that conclusion looking at what actual
20 sales are, and looking at using the consumer data,
21 what the average household spends in this marketplace.
22 So, in order to get through that, to get to Mr.
23 Bittner's question on how I arrived at my conclusion.
24 You know, first, you know, the issue is in fact
25 demand. You know, the function that the current

1 consumption expenditure for alcoholic beverages. And
2 so, that was examined. And with that being -- the
3 second is to determine what's happening in terms of
4 population. Is it growing, is it static, is it
5 decreasing, what's happened over a period of time,
6 which I did examine. And the third, which was really
7 the crux of my argument in terms of why this license
8 is not needed, is that looking at suppliers and the
9 product available in conjunction with any of the -- in
10 conjunction with that, making an assessment why
11 there's an negative impact on a 6,000-square-foot
12 license going into that location. When all fairness,
13 my analysis is due primarily for my client. Although,
14 I do suggest in my report that there is potential
15 negative impact to all seven of the stores in the
16 market area.

17 And so, my data sources and how I come to my
18 conclusion. I use pretty much standard industry
19 sources that have a long history of providing pretty
20 reliable data. Specifically, I used the U.S. Census
21 population, the economic census data, and I use an
22 organization called Claritas, which is an aggregator
23 of this data. So, it helps me pull it together and
24 analyze it in very small segments of the market area.
25 And so, I'm using that Claritas syndicated data. I

1 also used something called IBIS World, that's I-B-I-S
2 World Industry Data Services, which is a service I pay
3 for at a considerable expense, over \$25,000 a year, to
4 do industry analysis all over the country and
5 specifically by county. And so, some of my data came
6 from that. And certainly, Anne Arundel County
7 government data, Google mapping services. And also,
8 another study that I did or I pulled the Penn State
9 University alcoholic beverage consumption statistics
10 and trends on a national basis for 2023. And those
11 became the basis for my conclusions. Right.

12 So, key findings, basically. I did look at
13 the market at a five-minute and ten-minute drive time,
14 which I thought was appropriate. Within the five-
15 minute drive time there are 14,019 persons living in
16 5,264 households. The average -- in fact, this was
17 the average for the ten-minute drive factor. The
18 average household expenditure for alcoholic beverages
19 per year, for alcohol consumed at home, is \$984 a
20 year. All right. And so, if I were to take the
21 population and multiply it by that 984, consumed at
22 home is \$5,182,338. Right. If you look at the sales
23 of the stores that are in that five-minute area, it
24 comes up to just about five million dollars as such.
25 So, that's being handled fairly well there.

1 So, we'll give it a ten-minute drive time.
2 There are 50,919 persons living in 18,547 households.
3 Spending \$18,250,248 a year. The population of
4 households in the last 14 years has slowly increased
5 in this market area by 828 households in the drive
6 time. That's 3,629 persons. The actual sales of, as
7 I said, in the two stores in the five-mile -- or
8 excuse me, five-minute drive time actually came to
9 \$4,623,936, which means that if everybody is spending
10 their potential at the five million, they're actually
11 spending it outside, within outside the market area.
12 But four million is being spent there.

13 The actual sales for all stores within the
14 10-minute drive time, that's the seven that we're
15 talking about, is \$18,259,274. So, that's pretty damn
16 close to what's being spent there.

17 Let's see where I want to go so I don't make
18 this too long. The econometric model used by Claritas
19 projects sales will increase in 2028 up to -- excuse
20 me -- 2028, will grow to \$22,442,000, up from the 18.
21 So, it's, you know, five years from now we're talking
22 about a growth of four, four million dollars, which is
23 I don't think enough to start another store, quite
24 frankly. I don't think it can survive. That's an
25 annual growth rate of less than one percent. A

1 compounded growth rate over five years of 4.2 percent.
2 So, I've concluded the market growth rate is less than
3 one percent a year. All right.

4 Other data from the controller's report, you
5 know, suggests that sales volume has remained
6 relatively stable, and that anything we see in growth
7 is not necessarily a volume, but increases in price.
8 So, in effect, it counts for that. I was particularly
9 struck by the Applicant's expert. Talked about the
10 Applicant placed a current per capita consumption in
11 Anne Arundel County of 2.51 gallons, but failing to
12 mention that in relationship to what? And so, it was
13 in fact 2.51 gallons, failing to mention that the
14 count per capita in 2017 was 2.35 gallons, an increase
15 over seven years of less than a half a gallon.

16 The crux of why I'm here and why I agreed to
17 take this case. There are currently seven stores in
18 this market. The average store including
19 approximately 2.6 million in sales. All right. The
20 average size store is somewhere around 3,000 square
21 feet but most of them are probably a little less than
22 that. A new 6,000-square-foot store to open, from my
23 estimate, given what square foot sales are in the
24 market area, my estimate said the potential sales for
25 this store is five million dollars. This is a great

1 location. I would highly recommend that this would be
2 a great location for a liquor store, except for one
3 thing, it's going to bankrupt the nearest competitor.
4 If each store were affected equally, they would lose
5 several hundred thousand dollars in a no-growth
6 marketplace. However, the reality is, the current
7 store within 900 feet of the proposed store would
8 likely suffer the brunt of the loss estimate. My
9 client says he thinks he'd lose 50 percent of his
10 business. My calculation says he's going to lose 75
11 percent of his business, 1.5 million dollars.

12 It was pointed out by several that, gee,
13 the market has grown. That's right. In 2021 sales
14 increased by one percent. In 2022 sales in this
15 county decreased 7.1 percent. In 2023 sales in this
16 county decreased minus 2.7 percent. In 2024 we
17 actually have a projection that we're going to have a
18 slight increase of 2.15 percent, based on the
19 econometric model. That same model says both through
20 '25 through '28 is projected less than two percent a
21 year. Sales revenue from -- went from 2.6 billion in
22 2020, to 2.4 million in 2024. That's a loss of 200
23 million dollars of business in this county. Where the
24 hell is the growth? That's it.

25 Q So just to conclude and to reaffirm. The

1 Crofton market where this proposed Class A license
2 will be located is certainly not a growth market,
3 would you say?

4 A It's not a growth market. It's not a
5 regional shopping center.

6 Q Thank you.

7 MR. HYATT: That concludes my questioning
8 for this client, this witness.

9 MR. PRALEY: Mr. Bittner?

10 MR. BITTNER: Thank you.

11 CROSS EXAMINATION

12 BY MR. BITTNER:

13 Q Doctor, you prepared your report based on
14 your assumption that this, the Crofton Centre is not a
15 regional shopping center, correct?

16 A Well, I would also base that on my --

17 Q I just asked if you prepared your report
18 based on the fact that you view the shopping center as
19 not a regional shopping center, right?

20 A That is correct.

21 Q Okay. So, you didn't take into any
22 consideration the draw from outside the 10-mile radius
23 that you analyzed, correct?

24 A Well, I looked at a whole market of 15-
25 minute drive time, and I see no evidence that that

1 shopping center draws from outside that area.

2 Q And what study did you make to reach that
3 conclusion?

4 A Well, I would also point out, if you look at
5 --

6 Q Well, my question. What study did you make
7 to support that conclusion? What's your battle to
8 support that conclusion?

9 A In terms of, I didn't see any evidence of --

10 Q Yeah.

11 A -- presented.

12 Q I'm sorry?

13 A Presented from your side, that it was a
14 regional center is all I'm re-commenting on. That's
15 all.

16 Q Sir, you've testified that in your opinion
17 it's not a regional center. I'm asking you for the
18 basis of your opinion.

19 A Oh, well, that's a different question.
20 Okay. If you look at my resume, if you notice from
21 1988 to 2003 I was a commercial real estate broker in
22 the State of Maryland, Pennsylvania, all right, and
23 Virginia. I dealt with commercial real estate for
24 that period of time. That is not a regional shopping
25 center. Arundel Mills is a regional shopping center.

1 Q Okay. So, what --

2 A This is a neighborhood shopping center by
3 all definitions of the industry.

4 Q And do you have any statistics to support
5 that opinion regarding the sales from that center?

6 A I have 14 years of experience in real
7 estate.

8 Q So, you don't have any statistics?

9 A Oh, in terms of sales in that center? Oh,
10 well, wait a minute. I might be able to help you out,
11 Mr. Bittner.

12 Q Yeah. Well, there's no statistics in your
13 report, correct?

14 A No. But I might have statistics here.

15 Q Okay. You add them now?

16 A You asked if I had any statistics. Give me
17 a chance.

18 Q Okay. You did. I did.

19 A Okay. So, let's look at -- you're saying
20 that the home store makes it a regional shopping
21 center.

22 Q Well, I believe the testimony was that that,
23 the large Ace Hardware, the new Giant, and along with
24 Gold's Gym, all make that a regional shopping center.

25 A Ace Hardware is a franchise operation owned

1 by an individual business person, (indiscernible).

2 That doesn't make it a national regional store.

3 Q Well, perhaps maybe I should ask another
4 question.

5 A Go ahead. And I'll see if I can find --
6 because I had here a listing of all retail operations
7 within this region. And I can tell you what their
8 sales are within that area. So, then you can tell me.

9 Q So, you prepared your October 4th report at
10 the request of whom?

11 A Of Mr. Hyatt.

12 Q On behalf of who?

13 A His client.

14 Q Okay. Who is his client?

15 A The gentleman sitting next to me.

16 Q Okay. And who has paid your fee?

17 A He did.

18 Q Now, your report, at the request of the
19 client, you examined the economic viability for a new
20 6,000-square-foot Class A license at 1665 Crofton
21 Centre?

22 A Yeah. It's the exact same study I would
23 have done if I was doing it as a proponent, trying to
24 prove that there was in fact a viable market that
25 would justify a new license in a geographic area.

1 Q And it's your opinion that this store, if
2 the license were to be granted, would do approximately
3 five million dollars in sales?

4 A I do believe that. Yes.

5 Q With most of that loss coming from 424 only?

6 A Well, I said, there's going to be no way of
7 knowing how it reads right now. But if all stores in
8 the area were in fact impacted equally, it would be
9 700,000 shared. But we know the markets don't work
10 that, that the brunt would be the closest store. And
11 probably the store furthest away may feel little or no
12 impact.

13 Q And, of course, you don't have any
14 statistics with you right now to support that opinion,
15 do you?

16 A I can't give you a statistic. No. I would
17 say I'm working on experience and common sense.

18 Q Uh-huh. And of course, consumption patterns
19 are driven by many more factors than just growth,
20 you'd agree with me on that?

21 A Oh, absolutely.

22 Q Growth and population?

23 A Absolutely. There's all kinds of things
24 that go into the consumption of alcoholic beverages,
25 different product classes, the national studies tell

1 you we're actually starting to drink less as a
2 society. So, that has some impact.

3 **Q Well, we're just coming off, you'd agree**
4 **with me, some of the highest consumption levels ever**
5 **seen in the industry as a result of the COVID**
6 **shutdown?**

7 A Correct.

8 **Q And in your report you reference that 2022**
9 **sales decreased 7.10 percent?**

10 A Yes.

11 **Q Now, first off, that was a decrease after a**
12 **historic high as a result of in-home consumption?**

13 A To that question, yes. I would call that
14 the COVID effect. And that we did in fact see an
15 increase because of access to alcohol was limited
16 because of shut down of restaurants and things of that
17 nature. So, people adjusted their drinking habits in
18 terms of where they drank, and by purchasing it for
19 consumption at home.

20 **Q According to your report that those**
21 **consumption patterns have rebounded with an increase**
22 **in 2024 of 2.5 percent in sales?**

23 A Correct. Well, it's --

24 **Q And projected increases --**

25 A Well, again, it works both ways, Mr.

1 Bittner. It -- we had the increase, then we had a
2 fall down quite a bit, and then we've had a slight
3 increase. We're still below the numbers that we
4 started with. So, --

5 **Q We're still below the historic --**

6 A We have an increase over the two-and-a-half
7 percent that we dropped before. So, yeah. Or we're
8 leveling back up again. But we're going to find
9 equilibrium. I'm not sure where equilibrium is, but
10 it -- I suspect it will get back in terms of unit
11 volumes. It will probably be close to where it was
12 pre-COVID.

13 **Q So, with that word, sounds like consumption**
14 **is on the rise?**

15 A My apologies. Say that again.

16 **Q Consumption of alcoholic beverages is on the**
17 **rise? That's your report, 2.15 --**

18 A Revenue is on the rise. I can't say that
19 unit consumption is on the rise.

20 **Q Okay. Revenues generated by purchases of**
21 **alcoholic beverages?**

22 A Well, as I pointed out, as also pointed out
23 by the controller in a few other studies, that there's
24 been an increase in the price of alcoholic beverages.

25 **Q And do statistics reflect that there's been**

1 an actual increase in the consumption, the gallons
2 consumed?

3 A I can't show that.

4 Q Well, your report reflects in 2017 --

5 A You're --

6 Q Excuse me. I'm asking you a question.

7 A Okay.

8 Q Your report reflects in 2017 that the
9 average consumption was 2.35 gallons. And today it's
10 2.51 gallons.

11 A Yes.

12 Q For consumption. So, consumption --

13 A Consumption by half a gallon from 2017.

14 Q And, again, your report didn't consider any
15 factors beyond the 10-minute drive time?

16 A Uh, I did consider population and some
17 consumption patterns, but it did not play into my
18 report of the five-minute drive time because the -- or
19 excuse, me ten-minute drive time because the ten-
20 minute drive time is a typical amount of time based on
21 lots of studies in terms of what people are willing to
22 drive for a liquor store. So, a ten-minute drive time
23 is pretty typical nationwide.

24 Q And all of that indicates, in your report,
25 that in this area, be it five miles, ten miles, five

1 minutes, ten minutes, that population is up, and
2 consumption patterns are up. That's what your report
3 reflects, correct?

4 A No, it doesn't. Population is -- well,
5 okay. Population is up slightly. I wouldn't call it
6 major growth. Correct, it is -- it is up slightly.
7 And dollars spent are up slightly.

8 Q Thank you.

9 MR. BITTNER: No other questions.

10 MR. PRALEY: Mr. Hyatt, redirect?

11 MR. HYATT: No. I think I'm good. Yeah.

12 No further questions.

13 MR. PRALEY: All right. Mr. Chairman, do
14 you have any questions?

15 CHAIRMAN HARRIS: No questions.

16 MR. PRALEY: Commissioner Duffie?

17 COMMISSIONER DUFFIE: No questions.

18 MR. PRALEY: Commissioner Snoops?

19 COMMISSIONER SNOOPS: No questions.

20 MR. PRALEY: Okay.

21 CHAIRMAN HARRIS: We've heard quite a bit
22 tonight in this last hearing. I'm taking in the size
23 of the establishment that wants to open up. You have
24 to take --

25 MR. PRALEY: Do you have any more witnesses,

1 Mr. Hyatt?

2 MR. HYATT: I do not.

3 MR. PRALEY: Do you have any rebuttal
4 witnesses, Mr. Bittner?

5 MR. BITTNER: No, Your Honor. No, counsel.

6 MR. PRALEY: That's quite all right.

7 (LAUGHTER.)

8 MR. PRALEY: So, we have very limited time
9 left that we can be in this room tonight. How long do
10 you both think you'll need for closing?

11 MR. BITTNER: I'll be very brief and
12 succinct.

13 MR. HYATT: Likewise.

14 MR. PRALEY: Okay. All right. Then we'll
15 knock it out. Okay.

16 Mr. Bittner, go right ahead.

17 MR. BITTNER: Thank you. Certainly, the
18 Board is well-versed and well-aware of criteria in
19 Section 4-210 in deciding whether a license should be
20 granted or not. And competition in the marketplace is
21 those factors. Yes, it's a consideration in terms of
22 the effect on existing licenses. We've heard
23 basically from one license, not from other licensees
24 in the marketplace. The Applicant is markedly
25 different than the opponent, 424. The Board is not

1 here to regulate competition or to stifle competition.
2 The Applicants have presented, most respectfully,
3 evidence that I believe leads the Board to consider by
4 a preponderance of that evidence that there is a
5 public need. Petitions have been submitted by patrons
6 of the shopping center, indicating that they would
7 support it, that it's needed.

8 The existing licenses in the area, while we
9 can see are close as the crow flies, except for 424.
10 They're not close in any other way in terms of
11 proximity. This is a very difficult, challenging area
12 for traffic that limits the ability of the
13 neighborhood to get to certain locations, which is
14 part of the reason I believe, if you credit the
15 testimony of Mr. Ginsberg, why this shopping center
16 continues to have its success, because it is a
17 regional shopping center. It has the only At Home
18 store in eastern -- excuse me, in western Anne Arundel
19 County, eastern Prince George's County. You heard Mr.
20 Ginsberg testify about that. You heard that patrons
21 travel longer distances to come to this regional
22 shopping center. Dr. Patnode's report did not
23 consider that.

24 So, we believe, Mr. Chairman and members of
25 the Board, that we have shown that there is a need and

1 desire for the license. We've shown that this license
2 would be unique in terms of its product availability,
3 what it's actually going to have on its shelves for
4 the public to see and the public to touch. The effect
5 on other licenses. There hasn't been -- there's been
6 very little credible testimony to that, that the Board
7 should consider.

8 In terms of parking, traffic, that's been
9 passed upon by zoning. And this is a properly zoned
10 location in no showing except an opinion of some lay
11 person that there's traffic. Every other indication
12 is that this would reduce traffic.

13 Applicants are fit and proper persons. They
14 have extensive retail experience. And they are very
15 mature in their outlook and how they've come into this
16 application. They haven't come into it with blinders
17 on. They believe there's a need. And we'd ask you to
18 grant the license as requested.

19 **MR. PRALEY:** Thank you, Mr. Bittner.

20 Mr. Hyatt?

21 **MR. HYATT:** Thank you. The Applicant
22 attempted to prove that there was public need, but
23 just didn't get there. They failed to do that. The
24 Applicant also did not address the potential effect on
25 existing license holders. They did not talk about

1 that at all. That was a situation that our expert
2 spoke of, and the licensee of the establishment that
3 would be most affected discussed, that it would be a
4 serious, devastating impact on 424 Wine & Spirits if
5 this 6,000-square-foot store is allowed to open in a
6 neighborhood shopping center. This is certainly not a
7 regional shopping center. It's not a regional center.
8 It's a neighborhood grocery store-anchored center.
9 And because there's an At Home store in the location,
10 there certainly doesn't grow this into a regional
11 center. It's just not what it is.

12 The proximity, while it may not be the be
13 all and end all, is pretty darn important. To have
14 another store triple the size of the existing store,
15 known as 424 Wine & Spirits, located 900 feet away on
16 the same side as Route 3, you know, would be highly
17 out of order and inappropriate to grant this license.
18 It just isn't -- it just -- you don't do that, because
19 you would crush -- and, yes, we're in a free market,
20 but, you know, licenses are a privilege. They're not
21 a right. And you have to meet certain criteria to get
22 a license. And to open one up 6,000 feet away, that,
23 you know, whether you say as the crow flies or not, it
24 abuts the parking lot where this proposed 6,000-foot
25 store would be.

1 So, you know, at every step of the way
2 there's nothing unique that was proven tonight with
3 respect to the Applicant. I don't think they met the
4 burden of public need. They certainly didn't address
5 the impact on other licenses. And for all those
6 reasons, they fail. And I urge the Board to reject
7 this application.

8 **MR. PRALEY:** Thank you, Mr. Hyatt.

9 Mr. Bittner, last word?

10 **MR. BITTNER:** I'll submit.

11 **MR. PRALEY:** Thank you.

12 Mr. Chairman?

13 **CHAIRMAN HARRIS:** As I was saying, we have
14 heard quite a bit tonight in a fairly short period of
15 time, from both sides. I'm going to make a motion
16 that we hold our decision until the next meeting. I
17 know I need time to go over some things, and I believe
18 the other commissioners may as well. So, what I'm
19 going to do is I'm going to go ahead and just adjourn
20 for tonight. But we'll have a decision for you at the
21 next hearing, which is November 12th. Okay.

22 **MR. BITTNER:** So, you'd like us to return on
23 November the 12th?

24 **MR. PRALEY:** Yes. Because we have to do it
25 on the record, in compliance with the Public Meetings

1 Act, the Open Meetings Act. So, --

2 MR. BITTNER: May I just check my calendar?

3 MR. PRALEY: Sure.

4 CHAIRMAN HARRIS: None of your experts or
5 anyone else needs to return, with the exception of the
6 licensees and the attorneys.

7 MR. BITTNER: Thank you. November the 12th.
8 Thank you.

9 CHAIRMAN HARRIS: Okay. Thank you all.
10 Have a good night.

11 MR. PRALEY: All right. Thank you all for
12 being here.

13 (Proceedings concluded at 10:14 o'clock,
14 p.m.)

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APPLICANT'S WITNESSES

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Michael Ginsberg

Direct by Mr. Bittner

xxx

Cross by Mr. Hyatt

xxx

Re-Direct by Mr. Bittner

xxx

Re-Cross by Mr. Hyatt

xxx

Further Re-Direct by Mr. Bittner

xxx

Jon Arason

Direct by Mr. Bittner

xxx

Cross by Mr. Hyatt

xxx

Re-Direct by Mr. Bittner

xxx

Re-Cross by Mr. Hyatt

xxx

Further Re-Direct by Mr. Bittner

xxx

PROTESTANTS'S WITNESSES

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Ranjit Hundal

Direct by Mr. Hyatt

xxx

Cross by Mr. Bittner

xxx

Re-Direct by Mr. Hyatt

xxx

Gerald Patnode

Direct by Mr. Hyatt

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Cross by Mr. Bittner

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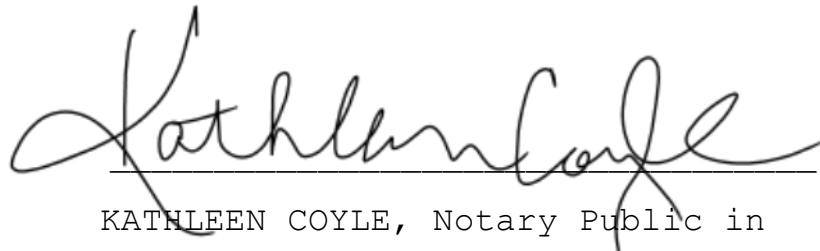
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CERTIFICATE OF NOTARY

I, KATHLEEN COYLE, Notary Public, before whom the foregoing testimony was taken, do hereby certify that the witness was duly sworn by me; that said testimony is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to this action, nor financially or otherwise interested in the outcome of the action; and that the testimony was reduced to typewriting by me or under my direction.

This certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, including exhibits, unless disassembly or photocopying is done under the auspices of OLENDER REPORTING, INC., and the signature and original seal is attached thereto.

A handwritten signature in black ink, appearing to read 'Kathleen Coyle', is written over a horizontal line.

KATHLEEN COYLE, Notary Public in
and for the State of Maryland

My Commission Expires: April 30, 2026

Tuesday, October 8, 2024

Whereupon, pursuant to notice the above-entitled hearing was held before the Anne Arundel County Government Board of License Commissioners, 44 Calvert Street, Council Chambers, Annapolis, Maryland 21401, commencing at 7:10 p.m. There being present:

1 BOARD MEMBERS PRESENT:

2 WAYNE HARRIS, CHAIRMAN

3 OTIS DUFFIE, COMMISSIONER

4 BERNADETTE SNOOPS, COMMISSIONER

5

6 STAFF MEMBERS PRESENT:

7 JAMES PRALEY, ESQUIRE

8 JIM FORD, CHIEF LIQUOR INSPECTOR

9 EDWARD I. ARONSON, ADMINISTRATOR

10 JANET GAGNON, SECRETARY

11 MICHELLE M. MONTI, SECRETARY

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1 P R O C E E D I N G S

2 **CHIEF INSPECTOR FORD:** Our next case is for
3 Ashling Kitchen and Bar; Ashling Restaurant Group,
4 LLC. Elise Letavish, member; Saeed Ashrafzadeh,
5 member; Inspector Jason McCarthy. This is not
6 restricted. This is to add a dancing permit, located
7 at 1286 Rt. 3 South, Unit C, Crofton, Maryland 21114.
8 This is a Class H beer/wine/liquor, entertainment, and
9 Sunday license.

10 If you could remain standing, please. Thank
11 you. Raise your right hands.

12 (PARTIES SWORN.)

13 **CHIEF INSPECTOR FORD:** Thank you very much.
14 You may be seated. And if you could, please state
15 your name and address for the record.

16 **MS. LETAVISH:** Sure. Elise Letavish, 1425
17 Defense Highway, Gambrills, Maryland 21054.

18 **MR. ASHRAFZADEH:** Saeed Ashrafzadeh, 1425
19 Defense Highway, Gambrills, Maryland 21054.

20 **CHIEF INSPECTOR FORD:** Thank you very much.

21 **MR. PRALEY:** All right. You guys have kind
22 of gotten the lay of the land. You've seen how these
23 go. This is your opportunity to present your case to
24 the Board. You can do so by way of proffer, or you
25 can question each other if you want, or you can

1 introduce any exhibits that you may have and you want
2 the Board to consider. But we'll turn the floor over
3 to you. And then we'll see if the Board has any
4 questions. Okay?

5 **MR. ASHRAFZADEH:** Appreciate it. Chairman,
6 commissioner, chief inspector, Madam Commissioner,
7 thank you for having us. We are here on, hopefully, a
8 short and sweet, simple matter to just add dancing
9 entertainment to our license. We are a small family
10 business, a very small restaurant, less than 120 seats
11 in our restaurant. We've been operating -- we opened
12 nine months prior to COVID, luckily survived it. And
13 we are in a strip mall.

14 We do less -- about 20 percent of our total
15 business in the restaurant is on alcohol. So, we're
16 not a huge alcohol business. However, being a mom and
17 pop and being in a strip mall, we have to do a lot of
18 marketing. And part of our marketing strategy is to
19 try to bring in different kind of events and different
20 things to generate sales and generate a following.

21 Part of that following, we've had some
22 interest in trying to do events. And we did one event
23 and then realized quickly that we needed to come here
24 and add this dancing permit. So that's why we're here
25 right now.

1 Part of the events that we do or want to do,
2 would be dueling pianos. So, just a couple of people
3 with their keyboards in the restaurant. They would
4 just be playing while people would be having dinner.
5 Murder/mystery performances, comedy shows, host adinos
6 (phonetic) with a DJ. We want to do paired music
7 events with wine dinners. So, those are just some of
8 the examples of what we're thinking.

9 All of our events usually would be on a
10 Thursday or a Sunday, which is pretty much our slower
11 times. And we're very family oriented, and we close
12 our business down very early. So, all of these events
13 would be done by 8:00 and patrons out of the
14 restaurant by 9. So, we don't see that it's any
15 nuisance to anyone or shouldn't ruffle any feathers.

16 Thank you for your time. Does the Board
17 have any questions?

18 **CHAIRMAN HARRIS:** We'll get to them. No,
19 that was a good presentation. It was to the point and
20 very well presented.

21 I love your floor layout. I mean, it's easy
22 to read, easy on the eyes. But I guess one thing I
23 noticed, and I guess this really brings out the
24 question, do you plan on any dancing?

25 **MR. ASHRAFZADEH:** No. No, not at all.

1 **CHAIRMAN HARRIS:** I thought not but, again,
2 I wanted to get that out. So, by you describing what
3 you are planning, it does fall more in line for that
4 type of physical layout. And that's good to know.

5 Do you plan on -- there's certain events
6 that can take place and, you know, certain brunches
7 that have to be licensed as far as the type of
8 entertainment and all. So, just be aware of, you
9 know, who you have in there as far as your
10 entertainment. And if you have entertainment, you're
11 getting yourself covered for that. And that, I think
12 is important. And that might be one of the reasons.

13 All of your employees that you have that are
14 serving alcohol, do you know if they're all alcohol
15 awareness trained?

16 **MR. ASHRAFZADEH:** Yes, sir. Every one of
17 them.

18 **CHAIRMAN HARRIS:** Every one of them. I had
19 five of seven, and two needed -- the Board needed
20 copies. I don't know, did we ever get those?

21 **MR. ASHRAFZADEH:** Yes. I believe our
22 bookkeeper.

23 **MS. MONTI:** They were working on those.

24 **MR. ASHRAFZADEH:** Yeah. They're working on
25 those. We got the email yesterday.

1 **CHAIRMAN HARRIS:** You owe us two then?

2 **MS. MONTI:** Yeah.

3 **CHAIRMAN HARRIS:** Okay. That's fine. I
4 have no further questions.

5 **MR. PRALEY:** Commissioner Duffie, questions?

6 **COMMISSIONER DUFFIE:** No, questions.

7 **MR. PRALEY:** Commissioner Snoops, any
8 questions?

9 **COMMISSIONER SNOOPS:** No questions.

10 **MR. PRALEY:** All right. Mr. Chairman?

11 **CHAIRMAN HARRIS:** Okay. That being said, I
12 make a motion that we go ahead and accept the adding
13 the dancing.

14 **MR. ASHRAFZADEH:** Thank you.

15 **CHAIRMAN HARRIS:** Please be careful because
16 that opens up a wide, you know, amount of
17 entertainment.

18 **MR. ASHRAFZADEH:** Yes, sir.

19 **CHAIRMAN HARRIS:** Looking for a second.

20 **COMMISSIONER DUFFIE:** I second.

21 **COMMISSIONER SNOOPS:** I second.

22 **CHAIRMAN HARRIS:** Thank you both.

23 All those in favor?

24 **COMMISSIONER SNOOPS:** Aye.

25 **COMMISSIONER DUFFIE:** Aye.

1 **CHAIRMAN HARRIS:** Good evening.

2 Congratulations.

3 **MR. ASHRAFZADEH:** Thank you so much.

4 Appreciate it.

5 (PROCEEDINGS CONCLUDED AT 7:16 P.M.)

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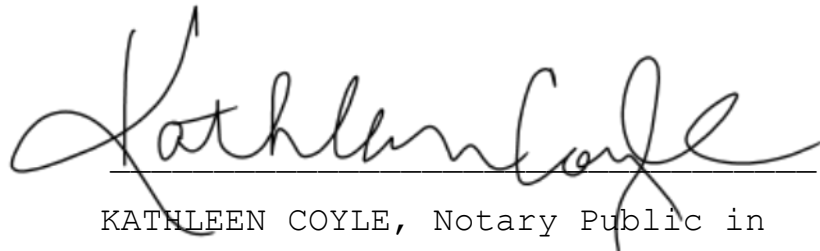
PROFER Mr. Ashrafzadeh
BOARD RULING

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CERTIFICATE OF NOTARY

I, KATHLEEN COYLE, Notary Public, before whom the foregoing testimony was taken, do hereby certify that the witness was duly sworn by me; that said testimony is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to this action, nor financially or otherwise interested in the outcome of the action; and that the testimony was reduced to typewriting by me or under my direction.

This certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, including exhibits, unless disassembly or photocopying is done under the auspices of OLENDER REPORTING, INC., and the signature and original seal is attached thereto.

A handwritten signature in cursive script, reading "Kathleen Coyle", written over a horizontal line.

KATHLEEN COYLE, Notary Public in
and for the State of Maryland

My Commission Expires: April 30, 2026

BEFORE THE ANNE ARUNDEL COUNTY GOVERNMENT
BOARD OF LICENSE COMMISSIONERS

TESTIMONY IN RE: :
:
JESSE JAY'S LATIN :
INSPIRED KITCHEN; :
Jesse Jay's Company :

Tuesday, October 8, 2024

Whereupon, pursuant to notice the above-
entitled hearing was held before the Anne Arundel
County Government Board of License Commissioners, 44
Calvert Street, Council Chambers, Annapolis, Maryland
21401, commencing at 7:16 p.m. There being present:

1 BOARD MEMBERS PRESENT:

2 WAYNE HARRIS, CHAIRMAN

3 OTIS DUFFIE, COMMISSIONER

4 BERNADETTE SNOOPS, COMMISSIONER

5

6 STAFF MEMBERS PRESENT:

7 JAMES PRALEY, ESQUIRE

8 JIM FORD, CHIEF LIQUOR INSPECTOR

9 EDWARD I. ARONSON, ADMINISTRATOR

10 JANET GAGNON, SECRETARY

11 MICHELLE M. MONTI, SECRETARY

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1 P R O C E E D I N G S

2 **CHIEF INSPECTOR FORD:** Okay. Our next case
3 Jesse Jay's Latin Inspired Kitchen; Jesse Jay's
4 Company. Jayleen Fonseca, president; Inspector John
5 B. Maloney.

6 This is restricted as of August 1, 2016.
7 Entertainment license for multiple TV privilege only.
8 This is to remove restriction. This is located at
9 5471 Muddy Creek Road, Churchton, Maryland 20733.
10 It's a Class D beer/wine/liquor with music,
11 entertainment (restricted) and a Sunday license with
12 outdoor dining.

13 If you could raise your right hand, please.
14 Thank you very much.

15 (PARTY SWORN.)

16 **CHIEF INSPECTOR FORD:** You may be seated.
17 And if you could, state your name and address for the
18 record, please.

19 **MS. FONSECA:** Good evening. Jayleen
20 Fonseca, 2646 Claiborne Road, Annapolis 21403.

21 **CHIEF INSPECTOR FORD:** Thank you very much.

22 **MR. PRALEY:** All right. Thanks for being
23 here tonight. We'll turn the floor over to you. Tell
24 us a little bit about the reason you want the
25 restrictions removed. And then we'll see if the

1 commissioners have any questions. Okay?

2 **MS. FONSECA:** Sure. Yes. Good evening.

3 Thank you again, Mr. Chairman and the Board.

4 I have a similar story to the case that was
5 just ahead of me. I am an owner -- I own and operate
6 the business myself with my husband who couldn't be
7 here tonight. He's the chef. The manager is here
8 with me tonight as well. We've been operating for
9 over five years. We were also open 11 months before
10 the pandemic and have survived. And we continue to
11 innovate and grow our business.

12 And our next -- we've developed our outside
13 dining area throughout the pandemic as well. And so,
14 what we would like to do is have live music at our
15 restaurant. Also, just try to bring business during
16 the slower periods, during weeknights and things like
17 that. We're open Tuesday through Saturday only right
18 now, from 11 a.m. to 8 p.m., Tuesday through Thursday.
19 And we close at 9 p.m. on Fridays and Saturdays. So,
20 we're also kind of early.

21 We're also in that Southern Anne Arundel
22 County area, close to Deale. So, it is more rural
23 area, more family-oriented area. Like I said, we own
24 it and operate it. And we also have about 20 percent
25 of our sales are alcohol sales. Again, similar to the

1 story before us.

2 So, food (indiscernible) forward. But, of
3 course, we also have our margaritas and our beer for
4 sale. But essentially, we would love to add -- have
5 the opportunity to have live music at our restaurant
6 outside, under our pavilion.

7 **MR. PRALEY:** Okay. Thank you.

8 Mr. Chairman, questions?

9 **CHAIRMAN HARRIS:** Just one or two.

10 QUESTIONS BY BOARD MEMBERS

11 BY CHAIRMAN HARRIS:

12 **Q Your capacity is 49 I believe, the fire**
13 **capacity. That's for inside?**

14 **A Yes.**

15 **Q Right. And what you're looking is to remove**
16 **the restriction. And the restriction reads**
17 **"entertainment license for multiple TV privileges**
18 **only." So, you want to keep the entertainment**
19 **license, but not -- you wanted to make sure that it's**
20 **the full entertainment that's requested; is that**
21 **correct?**

22 **A That's correct.**

23 **Q Okay. What kind of entertainment do you**
24 **foresee having?**

25 **A Live musicians, maybe a DJ on occasion for**

1 an event. And I -- if I could, I would like to
2 mention, I received the tasting times, and I read it,
3 and I did learn about the dancing restrictions. And
4 so, if this is an appropriate place to ask because I
5 would like to have them play music. I don't
6 necessarily plan on having a dance floor, per se, but
7 if people get up and start dancing, I'm not sure where
8 the line is drawn there. But we would just simply
9 like to have musicians on Wednesdays and Thursdays.
10 Again, I'm thinking on slower days because Fridays and
11 Saturdays, you know, it's so busy anyway.

12 Q Thank you.

13 The only thing that we're -- the two things
14 that I would be concerned with, as far as the dancing,
15 this license would not -- this permit would not allow
16 dancing. So, it would be up to you, as the Licensee,
17 to curtail that, to keep that in check.

18 Concerned about residences in the area with
19 any music, if the doors or left open or do you feel
20 that the music may wander outside; is that in your
21 plan?

22 A Yes. I mean, the music will be outside. I
23 have -- the residences are outside of the 100-foot
24 requirement. And I'm also very confident that I won't
25 have any issues with my neighbors. I think they'll be

1 hanging out with us.

2 Q Yeah. Okay. Well, you've answered the
3 questions that I wanted to ask.

4 CHAIRMAN HARRIS: And I have no further
5 questions.

6 MR. PRALEY: Commissioner Duffie, any
7 questions?

8 COMMISSIONER DUFFIE: No questions.

9 MR. PRALEY: Commissioner Snoops, questions?

10 COMMISSIONER SNOOPS: No.

11 MR. PRALEY: Ma'am, anything you want to
12 add?

13 MS. FONSECA: I don't think so.

14 MR. PRALEY: Mr. Chairman?

15 CHAIRMAN HARRIS: You did a good job.

16 MS. FONSECA: Thank you.

17 CHAIRMAN HARRIS: I just have one other
18 question. Which of the two behind you is the manager?

19 (LAUGHTER.)

20 CHAIRMAN HARRIS: I kind of had a feeling.

21 MR. PRALEY: She runs the show, probably.

22 CHAIRMAN HARRIS: Yeah. With that, I'm
23 going to make a motion that we go ahead and remove the
24 restriction, which would give you entertainment, with
25 just the caveat of please be careful. Because what we

1 give you, we can take away. And we don't want to do
2 that. So, just --

3 MS. FONSECA: Right.

4 CHAIRMAN HARRIS: Yeah. All right?

5 MS. FONSECA: Yes.

6 CHAIRMAN HARRIS: I'm looking for a second?

7 COMMISSIONER DUFFIE: I second the motion.

8 CHAIRMAN HARRIS: Okay. I have a second.

9 All in favor?

10 COMMISSIONER DUFFIE: Aye.

11 COMMISSIONER SNOOPS: Aye.

12 CHAIRMAN HARRIS: Okay. Congratulations.

13 Have a good evening.

14 MS. FONSECA: Thank you. You, too.

15 CHIEF INSPECTOR FORD: I'm very partial to
16 your burritos by the way.

17 (LAUGHTER.)

18 (PROCEEDINGS CONCLUDED AT 7:22 P.M.)

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C O N T E N T S

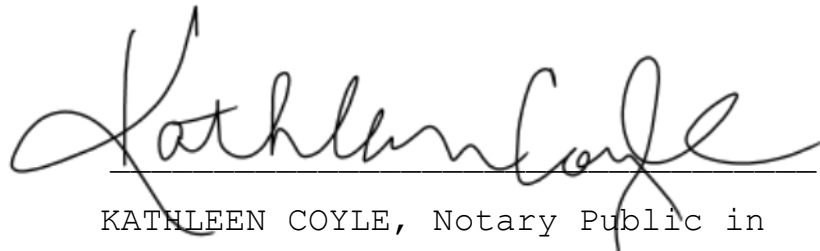
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PROFER	Ms. Fonseca	4
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CERTIFICATE OF NOTARY

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A handwritten signature in cursive script, reading "Kathleen Coyle", written over a horizontal line.

KATHLEEN COYLE, Notary Public in
and for the State of Maryland

My Commission Expires: April 30, 2026

TESTIMONY IN RE:

JOHN LIQUORS & GENERAL
STORE; John Liquors &
General Store, LLC

Tuesday, October 8, 2024

Whereupon, pursuant to notice the above-entitled hearing was held before the Anne Arundel County Government Board of License Commissioners, 44 Calvert Street, Council Chambers, Annapolis, Maryland 21401, commencing at 6:54 p.m. There being present:

1 BOARD MEMBERS PRESENT:

2 WAYNE HARRIS, CHAIRMAN

3 OTIS DUFFIE, COMMISSIONER

4 BERNADETTE SNOOPS, COMMISSIONER

5

6 STAFF MEMBERS PRESENT:

7 JAMES PRALEY, ESQUIRE

8 JIM FORD, CHIEF LIQUOR INSPECTOR

9 EDWARD I. ARONSON, ADMINISTRATOR

10 JANET GAGNON, SECRETARY

11 MICHELLE M. MONTI, SECRETARY

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1 P R O C E E D I N G S

2 **CHIEF INSPECTOR FORD:** Our next case is John
3 Liquors & General Store; John Liquors & General Store,
4 LLC. Harjeet Mahal, member; Gregory Robinson, member.
5 This license is not restricted. This is for a change
6 of officers. Gregory Robinson, member, and Sukhdev S.
7 Mahal, member, located at 812 Duvall Highway,
8 Pasadena, Suite D, 21122. This is a Class A
9 beer/wine/liquor and Sunday license.

10 Anyone wishing to testify for or against,
11 please come forward, remain standing, and if you
12 could, please raise your right hand.

13 (PARTIES SWORN.)

14 **CHIEF INSPECTOR FORD:** Thank you very much.
15 You may be seated. And, sir, if we could start with
16 you, with your name and address for the record,
17 please?

18 **MR. ROBINSON:** Greg Robinson. Home address
19 is 514 Pine Tree Drive, Severna Park, Maryland 21146.

20 **CHIEF INSPECTOR FORD:** Thank you.

21 **MS. MAHAL:** I'm Harjeet Mahal, and my home
22 address is 41765 (indiscernible) Terrace, Arlington,
23 Virginia 20105.

24 **CHIEF INSPECTOR FORD:** Thank you. You may
25 be seated.

1 **MR. PRALEY:** All right. Thank you both for
2 being here tonight.

3 Mr. Robinson, I understand you had a
4 conversation earlier today that you'll be presenting
5 the case. So, if you want to go ahead and just
6 present the case by way of proffer, testimony, you can
7 inquire of the Licensee or the prospective Licensee
8 and present any documentation you may have.

9 **MR. ROBINSON:** Well, essentially what's
10 happened here is, I was the resident, or I am the
11 resident Liquor Board liquor license holder. Sukhdev
12 Mahal was the other license holder. Mr. Mahal passed
13 away and his wife, Harjeet Mahal, who is next to me,
14 is intending to -- she works in the business and is
15 there every day. And we would like to replace her as
16 the officer and the liquor license holder.

17 And I think we've already given you a
18 package of materials. And it should, included in
19 there should be the death certificate of Mr. Mahal. I
20 know it's in the letter you sent out on September
21 11th, indicating we may need to have the death
22 certificate brought to you. I mean, I can get that to
23 you if you need it. But essentially, it's kind of --
24 it is very emotional for Ms. Mahal. But that's what
25 we're here for.

1 **MR. PRALEY:** Okay. Thank you.

2 Any questions, Mr. Chairman?

3 **CHAIRMAN HARRIS:** No. But just a quick
4 comment.

5 Ms. Mahal, I've met you many times before in
6 the past. And my condolences for your loss.

7 **MS. MAHAL:** Thank you.

8 **CHAIRMAN HARRIS:** It's my understanding
9 you're going to stay on the --

10 **MR. ROBINSON:** Yes, I will stay on. And we
11 need to go ahead and substitute Harjeet Mahal for
12 Sukhdev Mahal, as both an officer in the company.
13 She'll be the -- she's a majority owner, and as well
14 as the liquor license holder.

15 **CHAIRMAN HARRIS:** Okay. A couple more quick
16 questions.

17 The management agreement that I have, I'm
18 looking at it. (indiscernible name) --

19 **MS. MAHAL:** Not anymore.

20 **CHAIRMAN HARRIS:** No more? No more
21 employee? Okay. I have seven on your management
22 agreement. Three are no longer active.

23 **MS. MAHAL:** Only (indiscernible name) should
24 have one.

25 **CHAIRMAN HARRIS:** Okay. Well, you need to

1 make sure you all see this management agreement. All
2 right? And that means you have to make sure that the
3 alcohol awareness training certificates for those
4 people are --

5 MS. MAHAL: Sure.

6 CHAIRMAN HARRIS: -- active. Okay?

7 MS. MAHAL: Yes, sir.

8 CHAIRMAN HARRIS: And do you have any other
9 financial interest in any other liquor establishment
10 or licensed establishment in the State of Maryland?

11 MS. MAHAL: No, sir.

12 CHAIRMAN HARRIS: Okay. Do you?

13 MR. ROBINSON: No.

14 CHAIRMAN HARRIS: Okay. Fine. That's all
15 the questions that I have.

16 MR. PRALEY: Commissioner Duffie, do you
17 have any questions?

18 COMMISSIONER DUFFIE: No questions.

19 MR. PRALEY: Commissioner Snoops?

20 COMMISSIONER SNOOPS: No questions.

21 MR. PRALEY: All right. Mr. Chairman?

22 CHAIRMAN HARRIS: Okay. Again, our
23 condolences.

24 MS. MAHAL: Thank you.

25 CHAIRMAN HARRIS: I'm going to go ahead and

1 make a motion that we accept the change of officers.

2 And I'm looking for a second.

3 **COMMISSIONER SNOOPS:** I second the motion
4 for the change of officers.

5 **CHAIRMAN HARRIS:** Okay. I have a second.
6 All in favor?

7 **COMMISSIONER DUFFIE:** Aye.

8 **COMMISSIONER SNOOPS:** Aye.

9 **CHAIRMAN HARRIS:** Okay. Granted. Thank
10 you.

11 **MR. ROBINSON:** Thank you very much.

12 **CHAIRMAN HARRIS:** Good night.

13 (PROCEEDINGS CONCLUDED AT 6:59 P.M.)

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C O N T E N T S

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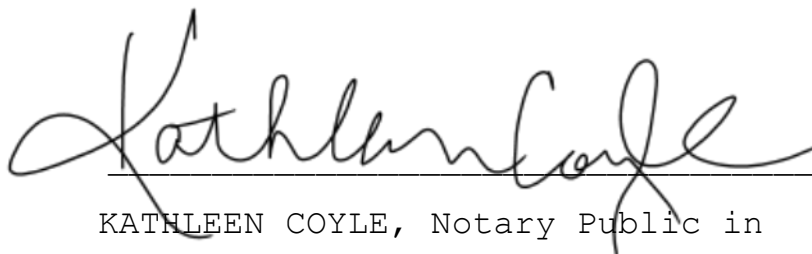
PROFER Mr. Robinson
BOARD RULING

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CERTIFICATE OF NOTARY

I, KATHLEEN COYLE, Notary Public, before whom the foregoing testimony was taken, do hereby certify that the witness was duly sworn by me; that said testimony is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to this action, nor financially or otherwise interested in the outcome of the action; and that the testimony was reduced to typewriting by me or under my direction.

This certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, including exhibits, unless disassembly or photocopying is done under the auspices of OLENDER REPORTING, INC., and the signature and original seal is attached thereto.

A handwritten signature in cursive script, reading "Kathleen Coyle", is written over a horizontal line.

KATHLEEN COYLE, Notary Public in
and for the State of Maryland

My Commission Expires: April 30, 2026

Tuesday, October 8, 2024

Whereupon, pursuant to notice the above-entitled hearing was held before the Anne Arundel County Government Board of License Commissioners, 44 Calvert Street, Council Chambers, Annapolis, Maryland 21401, commencing at 7:40 p.m. There being present:

1 BOARD MEMBERS PRESENT:

2 WAYNE HARRIS, CHAIRMAN

3 OTIS DUFFIE, COMMISSIONER

4 BERNADETTE SNOOPS, COMMISSIONER

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6 STAFF MEMBERS PRESENT:

7 JAMES PRALEY, ESQUIRE

8 JIM FORD, CHIEF LIQUOR INSPECTOR

9 EDWARD I. ARONSON, ADMINISTRATOR

10 JANET GAGNON, SECRETARY

11 MICHELLE M. MONTI, SECRETARY

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1 P R O C E E D I N G S

2 **CHIEF INSPECTOR FORD:** The next case is Mr.
3 Loin; Mr. Loin, LLC. Felipe Fusaro, president;
4 Inspector Earl Barnes. This is for a new license to
5 be located at 504 Crain Highway South, Glen Burnie,
6 Maryland 21061. This is for a Class H beer/wine
7 license.

8 Sir, could you raise your right hand.

9 (PARTY SWORN.)

10 **MR. FUSARO:** Yes.

11 **CHIEF INSPECTOR FORD:** Thank you so much.
12 You may be seated. And if you could, please state
13 your name and address for the record.

14 **MR. FUSARO:** My name is Felipe Fusaro, 8218
15 Farrow Drive, Pasadena, Maryland 21122.

16 **CHIEF INSPECTOR FORD:** Thank you very much.

17 **MR. PRALEY:** All right. Mr. Fusaro, bear
18 with me one second.

19 (PAUSE.)

20 I'm sorry for the delay, sir. Go ahead.
21 You've watched a couple of these tonight, so you kind
22 of know the drill. Go ahead and present your case to
23 the Board. We'll see if the commissioners have any
24 questions. And we'll take it from there. Okay?

25 **MR. FUSARO:** Sure. Good evening to the

1 Commission. Thank you for having me.

2 My restaurant just opened up about 11 months
3 ago, it's going to be one year on October 30th. And
4 it's a small restaurant. Just a few tables inside, I
5 think a total of seven. It's more of a carryout
6 driven thing. We do have the tables just as a
7 convenience for if somebody wants to sit down and have
8 some food in the place. But, like I said, it's a
9 carryout mostly. The ultimate goal trying to acquire
10 a license is just to increase the traffic, some happy
11 hours, say between 3 and 5 or 4 and 6, and increase a
12 little bit our sales.

13 And other than I'm new to the business. I
14 just, like I said, it's a dream. I live -- my main
15 business is something else. And it's an old dream
16 that I had, and they came forward. And after a long
17 time I owned it trying get the license.

18 **MR. PRALEY:** Okay. Thank you.

19 Mr. Chairman, questions?

20 **CHAIRMAN HARRIS:** I have a couple. I've
21 been watching that. I live in the area. So, I've
22 been going by that establishment forever. And I'm
23 familiar with the Willis' and people over there
24 before. I'm glad to see some use come of it.

25 I'm a little bit, I guess wondering or

1 concerned about the fact that next door you have a
2 Class A package goods store. One of my biggest
3 concerns is you also have a deck in the front of that
4 building. Do you plan on leaving that deck up?

5 **MR. FUSARO:** Again, as a first-time owner in
6 the food industry, I had four guys, four contractor
7 doing that deck. I (indiscernible) permit was needed.
8 And then the inspector came in and said, look, this is
9 over eight inches, and over eight inches it requires
10 a permit. So, they put a stop order on it. And then,
11 obviously, we abide by everything. Nothing was
12 touched. And then now I'm trying to fix it and get
13 the proper permit, which is already in motion. It's
14 just like, it took me seven years to get the
15 restaurant up and running. So, imagine. But
16 eventually the permit will be pulled. And then we're
17 going to finish the deck. And I do intend to, if
18 allowed, because I know at the moment my request does
19 not require, obviously, is not for outside service.

20 So, but we do intend to sell alcohol, if
21 possible. There is a residence right behind us. And
22 according with zoning and planning, it has to be at
23 least 100 feet. If it's not, then the variance has to
24 be asked. And then I'm going to go and later on
25 acquire that. But as of right now it's just for

1 inside service.

2 And the deck is still being -- I'm working
3 on the permit to finish it up. And then start using
4 it once it's completely done.

5 **CHAIRMAN HARRIS:** Okay. If we were to grant
6 this license, which is a new license -- well, first of
7 all, do you have any interest in any other
8 establishments that sell alcohol anywhere in the State
9 of Maryland?

10 **MR. FUSARO:** I don't.

11 **CHAIRMAN HARRIS:** Okay. Thank you. We'll
12 get that out of the way.

13 If we were to grant this license, right now,
14 with the fact that as far as I'm concerned, the only
15 place that you'd be able to serve alcohol would be
16 inside. Nothing could go outside.

17 **MR. FUSARO:** I understand that.

18 **CHAIRMAN HARRIS:** Right. You would need to
19 get outside service approval. You're not going to get
20 the outside service approval unless you've got all the
21 permits. And I'm not so sure that we can even give
22 you a license, a liquor license for inside if there is
23 an open noncompliance because of that deck.

24 **MR. FUSARO:** Uh-huh.

25 **CHAIRMAN HARRIS:** Have you been in touch

1 with inspections and permits?

2 **MR. FUSARO:** Yes. The permit, it's -- I
3 already asked for the permit. It's just not fully
4 approved. I got engineering approved. Because they
5 have, like, different departments on the zoning for
6 that matter. I got some of the departments approved,
7 but I'm still -- I expect that finding a contractor
8 and the contractor, unfortunately, (indiscernible).
9 So, now I'm trying to get everything. And they asking
10 for more stuff, did I have knowledge of it. So, I'm
11 getting people and I'm paying other people to get
12 everything together and pull the permit to finish it
13 up properly. But nothing will happen outside until
14 everything is done according to law.

15 **CHAIRMAN HARRIS:** Yeah. Well, that's --
16 that is a concern because the deck is there. We can
17 say take the deck down, and when you get your permit
18 put the deck back up. I don't want to necessarily do
19 that to you. But at the same time, we have to -- if
20 we issue a license or if we grant this license, I
21 think we might need to -- we need to make sure that
22 that deck either is permitted and granted and passes
23 its final inspections, or it's removed. Because you
24 can't leave it in limbo. Because I can tell you, and
25 you know and I know, people are going to go outside,

1 and they're going to stand or sit on that deck. So
2 that is a concern.

3 Another concern of mine is right next door
4 having a package goods place. You put tables out
5 there on that deck and you're inside taking care of
6 business, you're going to have certain people coming
7 out of that package goods store and they're going to
8 take advantage of those seats, and chairs, and tables
9 on your deck. So, --

10 **MR. FUSARO:** It's fenced.

11 **CHAIRMAN HARRIS:** No, please.

12 **MR. FUSARO:** I'm sorry to interrupt.

13 There is a little fence around it. And then
14 we're going to move the tables up. Outside and inside
15 when we close, and so it's not going to be sitting in
16 the day for people to use, or loiter, or anything of
17 that nature. Obviously, I cannot control what people
18 are doing on the south, on the other property, but we
19 intend to remove the tables, so people don't steal
20 stuff. Unfortunately, it happens. And we intend to
21 pull the tables inside every day and move it outside
22 once the deck is finalized.

23 **CHAIRMAN HARRIS:** Okay.

24 **MR. FUSARO:** And right now we can't even --
25 there's some boards that are not fully finished

1 because of the stop order. So, there's nothing --
2 nothing will be there until it's completely done and
3 finalized. I mean, all the tables and seating.
4 Nothing of that will be there until we get the whole
5 deck done. But I do understand the concern and I
6 respect it. If I cannot have it before, I do
7 understand. I will wait until it's finished.

8 **CHAIRMAN HARRIS:** I'm going to go ahead and
9 -- well, first of all, that's all the questions I
10 have. Anybody?

11 **MR. PRALEY:** Commissioner Duffie, do you
12 have any questions?

13 **COMMISSIONER DUFFIE:** No questions.

14 **MR. PRALEY:** Commissioner Snoops?

15 **COMMISSIONER SNOOPS:** No questions.

16 **MR. PRALEY:** All right. Mr. Chairman?

17 **CHAIRMAN HARRIS:** I'm thinking about making
18 a motion to go ahead and grant this license, but you
19 won't be able to pick it up until such time as
20 inspections and permits, planning and zoning, and all
21 those appropriate departments have given us an all
22 clear from that deck.

23 **MR. FUSARO:** That's fair enough.

24 **CHAIRMAN HARRIS:** All right. Which means
25 that they either will permit it to stay or get

1 approved or removed. And then once that is resolved,
2 you'd be able to pick up your license. But I'm going
3 to make a motion with that caveat, that we go ahead
4 and grant this license. Looking for a second?

5 **COMMISSIONER SNOOPS:** I second the motion to
6 grant the license.

7 **CHAIRMAN HARRIS:** Thank you. I have a
8 second. All in favor?

9 **COMMISSIONER DUFFIE:** Aye.

10 **COMMISSIONER SNOOPS:** Aye.

11 **CHAIRMAN HARRIS:** Aye. Congratulations.

12 **MR. FUSARO:** Thank you.

13 **CHAIRMAN HARRIS:** And, again, please don't
14 open until you get your license from our
15 administration.

16 **MR. FUSARO:** It's not going to happen. I
17 promise.

18 **CHAIRMAN HARRIS:** Okay. Very good. Have a
19 good day, sir.

20 **MR. FUSARO:** Thank you very much.

21 **CHIEF INSPECTOR FORD:** Thank you very much,
22 and congratulations.

23 (PROCEEDINGS CONCLUDED AT 7:50 P.M.)

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PROFER Mr. Fusaro

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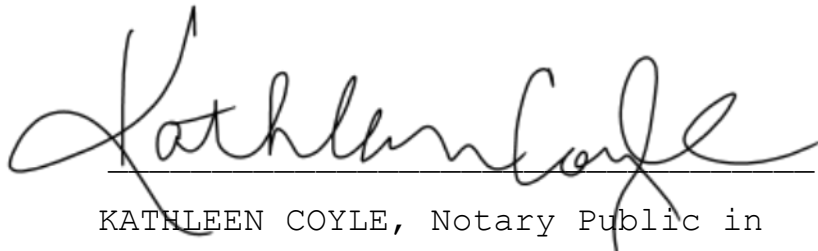
BOARD RULING

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CERTIFICATE OF NOTARY

I, KATHLEEN COYLE, Notary Public, before whom the foregoing testimony was taken, do hereby certify that the witness was duly sworn by me; that said testimony is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to this action, nor financially or otherwise interested in the outcome of the action; and that the testimony was reduced to typewriting by me or under my direction.

This certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, including exhibits, unless disassembly or photocopying is done under the auspices of OLENDER REPORTING, INC., and the signature and original seal is attached thereto.

A handwritten signature in cursive script, reading "Kathleen Coyle", written over a horizontal line.

KATHLEEN COYLE, Notary Public in
and for the State of Maryland

My Commission Expires: April 30, 2026

Tuesday, October 8, 2024

Whereupon, pursuant to notice the above-entitled hearing was held before the Anne Arundel County Government Board of License Commissioners, 44 Calvert Street, Council Chambers, Annapolis, Maryland 21401, commencing at 7:22 p.m. There being present:

1 BOARD MEMBERS PRESENT:

2 WAYNE HARRIS, CHAIRMAN

3 OTIS DUFFIE, COMMISSIONER

4 BERNADETTE SNOOPS, COMMISSIONER

5

6 STAFF MEMBERS PRESENT:

7 JAMES PRALEY, ESQUIRE

8 JIM FORD, CHIEF LIQUOR INSPECTOR

9 EDWARD I. ARONSON, ADMINISTRATOR

10 JANET GAGNON, SECRETARY

11 MICHELLE M. MONTI, SECRETARY

12

13 ON BEHALF OF THE APPLICANTS:

14 MICHAEL LECHNER, ESQUIRE

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1 P R O C E E D I N G S

2 **CHIEF INSPECTOR FORD:** Next case is Rams
3 Head Dockside; Rams Head Dockside, LLC. Paula
4 Muehlhauser, member; Christina Gorecki, member; John
5 Degenhard, member; Inspector Scott Harman. This is
6 restricted as of June 28, 2016.

7 One, signs posted regarding cars/boats
8 revving their engines will be barred inside and
9 outside of establishment.

10 Two, parking lot attendant on Friday and
11 Saturday 6 p.m. to close, and Sunday 3 p.m.

12 Three, outside service allowed until 11
13 p.m. with two non-amplified musicians until sundown
14 and then background music until 11 p.m.

15 This is to remove current restrictions, one,
16 signs posted regarding cars/boats revving their
17 engines will be barred inside and outside of
18 establishment. Two parking lot attendant on Friday
19 and Saturday 6 p.m. to close and Sunday 3 p.m. This
20 is located at 1702 Furnace Drive, Glen Burnie,
21 Maryland 21401 (sic). And it is a Class B
22 beer/wine/liquor growler, music and Sunday license
23 with outdoor dining.

24 If you could raise your right hands for me,
25 please. Thank you very much.

1 (PARTIES SWORN.)

2 CHIEF INSPECTOR FORD: Thank you very much.
3 You may be seated. And if you could, starting with
4 you, sir, state your name and address for the record.

5 MR. MUEHLHAUSER: Kyle Muehlhauser, 409
6 Grinstead Road, Severna Park, Maryland 21146.

7 MR. LECHNER: Michael Lechner, 1356 Wiley
8 Oak Drive, Jarrettsville, Maryland 21084.

9 MS. GORECKI: Christina Gorecki, 709 Second
10 Street, Annapolis, Maryland 21403.

11 CHIEF INSPECTOR FORD: Thank you very much.

12 MR. PRALEY: Mrs. Gorecki, you're the only
13 Licensee?

14 CHAIRMAN HARRIS: Yeah. Yes. Present
15 tonight.

16 CHAIRMAN HARRIS: Okay. All right. Thank
17 you.

18 MR. PRALEY: All right. I'll turn the floor
19 over to you. You guys can go ahead and present your
20 case. If there's anything you want the Board to
21 consider, please feel free to pass it up. We'll turn
22 the floor over to you. And then we'll see if the
23 Board or the commissioners have any questions. Okay?

24 MR. MUEHLHAUSER: Okay. Thank you.

25 So, we're here to request to remove our

1 restrictions from our license. We currently have
2 restrictions stating that we must have signs posted
3 regarding cars and boats revving engines will be
4 barred from the establishment. We're also required to
5 have a parking lot attendant on Friday and Saturday
6 from 6 p.m. to close and Sunday at 3 p.m. There are
7 also outside service and music restrictions, but we
8 have no issue, and not trying to get those changed.

9 These restrictions are inhibited by Rams
10 Head due to operations of the prior business, and we
11 do not feel that they're relevant to us. We've owned
12 and operated the business for eight years now, and we
13 feel that our track record has proven that we're a
14 much different business. We're a family-friendly
15 restaurant that serves over 60 percent -- 67 percent
16 of our sales are in food.

17 We're also an outdoor waterfront facility.
18 So, our business is completely dictated on the
19 weather. We do over 65 percent of our yearly sales in
20 five nice weather months. Cold weather or even a
21 rainy day has a significant impact on our business.

22 We had the liquor inspector stop by our
23 location on a Sunday in February. He gave us a verbal
24 warning for not having a parking lot attendant. And
25 that's kind of what prompted us to be here. So, we

1 planned to do this years prior. But at the time when
2 he visited we had two cars in the parking lot. So,
3 obviously, we felt there was no need for, or really
4 can't afford to pay a parking lot attendant for those
5 two cars.

6 I believe that our track record in the
7 county, as well as in this particular location, should
8 allow us to have these restrictions removed
9 completely. We want to have a parking lot attendant
10 when it's necessary. Parking is one of our biggest
11 hurdles at this location. We have someone there at
12 the appropriate times. We actually have them there
13 longer than the restricted hours currently because
14 most of our business is during the day. On a Saturday
15 or a Sunday our volume during the day, over the course
16 of a year, our sales after 9 p.m. are four percent of
17 our sales. So, we are not a nighttime bar business,
18 we're a family-friendly restaurant.

19 But our attendant there is there to help
20 guide customers when they come in. We're in Glen
21 Burnie. There's a lot of big trucks in Glen Burnie.
22 So, we try to make sure that they're parked in the
23 correct spaces to allow for the most parking
24 throughout our lot. We direct them to make sure that
25 they're not parking inappropriately on the street. I

1 know there's signage, but sometimes people don't pay
2 attention to signage. We make sure they're not parked
3 in our neighbor's lot. He likes to tow cars. So, we
4 are actually proactive in having a parking lot
5 attendant there longer than we currently need to. But
6 those restrictions, the way they're currently stated
7 really don't feel are relevant for our business.

8 So, again, our request is to remove those
9 restrictions completely. But if that cannot happen,
10 then we'd ask for them to be significantly modified so
11 that they do not place an undue burden on our
12 business.

13 **MR. PRALEY:** All right. Thank you.

14 Mr. Chairman, questions?

15 QUESTIONS BY MEMBERS OF THE BOARD

16 BY CHAIRMAN HARRIS:

17 **Q When was it that inspector stopped by that**
18 **had two cars on the lot? February is when you said?**

19 **A** February of this year. Yes.

20 **Q** Okay. All right.

21 **The restriction was on there, and that's probably**
22 **why he mentioned it to you. And I do understand your**
23 **situation. I'm just checking.**

24 **So, what you want us to do or what would**
25 **like us to do is to remove two of the restrictions**

1 that are on there. One of them being signs posted
2 regarding cars/boats revving their engines will be
3 barred inside and outside of the establishment; is
4 that one of them you want removed?

5 A Correct. Again, I feel it's unnecessary.

6 Q And the other one is parking lot attendant
7 on Friday and Saturday 6 p.m. to closing and Sunday 3
8 p.m. And you're basically saying that sometimes the
9 weather, and I can understand, you know, November,
10 December, January, February that being a pretty
11 regular thing.

12 But that's your intention is you'd like to get
13 rid of those two restrictions, correct, which would
14 leave the third restriction, which is outside service
15 allowed until 11 p.m., with two non-amplified
16 musicians until sundown and then background music
17 until 11 p.m.?

18 A Correct.

19 Q All right. I do understand that.

20 The signs, you did ask the inspector to take
21 photos, and we have those. So, we know what the signs
22 are. We also know the long-standing situation between
23 Dukes and your establishment.

24 A I will say, that relationship is good at
25 this point.

1 Q I'm sorry, I couldn't hear you.

2 A That relationship is good. It's not what it
3 was with the previous owner. I have a good personal
4 relationship with them. The parking can still be a
5 conflict, but we communicate very well.

6 Q Okay. All right. Thank you.

7 CHAIRMAN HARRIS: I have no other questions
8 at this time.

9 MR. PRALEY: Commissioner Duffie, any
10 questions?

11 COMMISSIONER DUFFIE: No questions.

12 MR. PRALEY: Commissioner Snoops, questions?

13 COMMISSIONER SNOOPS: I do.

14 BY COMMISSIONER SNOOPS:

15 Q What benefit do you think it will provide to
16 remove those signs?

17 A The signs aren't a big deal. You know, the
18 restrictions aren't extremely specific. Even the
19 parking lot attendant, it just says Sunday 3 p.m. So,
20 I'm not sure exactly what that meant.

21 But the signage, we have a lot of it. We
22 basically replaced every sign that was there from the
23 previous owner. So, there's just a lot of them. And
24 it's just an aesthetic thing. It just doesn't look
25 great. And a lot of our customers probably wonder why

1 we have those signs up. So, that one is not very
2 important. It's really the parking lot attendant
3 which is burdensome from a cost standpoint.

4 **CHAIRMAN HARRIS:** Very good.

5 **MR. PRALEY:** Mr. Chairman?

6 **CHAIRMAN HARRIS:** I'm a little bit
7 concerned.

8 I'm familiar with your establishment. And
9 you've run a very good licensed establishment. So,
10 congratulations on that. I'm also aware of the
11 neighborhood and the residents in that community and
12 how they get very upset when parking gets out of hand,
13 and noise, whether it be motorcycles revving the
14 engines, or boats, or whatever.

15 But even if we were to remove the
16 restriction, you do understand you're still
17 responsible and liable to control those situations
18 when you can. You may not be able to control somebody
19 parking in front of a neighbor two doors down because
20 you're not there.

21 But the revving of the engines and things
22 like that, whether you have the signs up or the
23 restrictions on, the responsibility is still yours
24 when you can. I also know how busy you get in the
25 summer which, you know, is kudos to you.

1 So, what I'm thinking about is, do you think
2 if you took the signs down that you would still have a
3 problem with whether it be parking, or revving of
4 engines, or anything of that nature?

5 **MR. MUEHLHAUSER:** No. I think the signs
6 have no impact, honestly. I don't think revving
7 engines is a problem currently. I mean, you might get
8 a motorcycle that is a little loud, but we're not
9 getting groups of motorcycles, or groups of boats like
10 the previous owner had. So, I really don't think the
11 loud engines are a problem.

12 And, again, we are very proactive about the
13 parking piece. And we want to have that parking lot
14 attendant out there. We want to be directing people.
15 So, we're going to be doing that regardless. I just
16 don't want to get caught in a situation where, again,
17 either offseason, or even if it's in season, if it's
18 raining, we're just not busy. And I don't want to be
19 forced to pay someone to be out there when it's
20 raining.

21 **CHAIRMAN HARRIS:** Okay. When is the busiest
22 season for your establishment, which months of the
23 year?

24 **MR. MUEHLHAUSER:** It would be May through
25 September, those five months would be the majority.

1 Again, I think 67 percent of our yearly sales are in
2 that five-month time frame.

3 **CHAIRMAN HARRIS:** And are Fridays and
4 Saturdays still your busiest days, or has that
5 changed?

6 **MR. MUEHLHAUSER:** They're still our busiest.
7 Sunday is busy as well. I mean, we're definitely very
8 weekend heavy, and that's when we do have the parking
9 lot attendant currently. But, again, they're a lot
10 more focused during the day than the evening.

11 I understand the predicament of wanting to
12 require us to have it. And, again, you can only take
13 my word that, you know, we have had it during those
14 times and will continue to have it. I don't know how
15 descriptive you want to get in a potential
16 restriction, if you want to keep one. But I certainly
17 would like to be able to have the flexibility to be
18 able to make that judgment call with business.

19 **CHAIRMAN HARRIS:** What I'm thinking -- and
20 thank you for that. What I'm thinking is that as far
21 as the signs that are posted, we did get one of your
22 neighbors who was concerned that if the signs were
23 taken down that that would be a problem. That's not
24 saying we agree with that. But we did note it.

25 I'm going to make a motion that we do

1 relieve you of the sign situation, as long as you
2 understand that you're still responsible for the
3 things that these signs -- somewhere in the past one
4 of our predecessors, our Boards felt that it was
5 necessary to do this. And I understand that the
6 establishment has changed and, you know, we're happy.
7 So, we're giving you an opportunity with, I think I
8 said earlier, what we take away we can also put back.
9 So, please, with that in mind, if I make that motion,
10 it's going to be on something which our inspectors and
11 I'm sure our police department will let us know if
12 it's not working.

13 The other part you wanted to remove is the
14 parking lot attendant Friday, Saturday 6 p.m. to close
15 and 3 p.m. I am a little bit concerned. And I'm
16 willing to, because of the February incident, I'm
17 willing to say that I think we should leave that
18 restriction in place, but only for the months of May
19 through September. Do you think that would be
20 reasonable if I were to do that or --

21 **MR. MUEHLHAUSER:** I think it's reasonable.
22 Again, the times, I'm not looking to put more
23 restrictions on it but, you know, right now it says 6
24 p.m. to close. Now, we do close 11 a.m. (sic) during
25 the week and 12 p.m. on Friday and Saturday. Our

1 sales are so light in the evening time. I'd ask for
2 those, actually, the parking lot attendant actually be
3 done at 9 p.m. So, currently what we staff is Friday
4 3 to 9, Saturday and Sunday 1 to 9. That's what we
5 staff. And it's, unfortunately, not completely in
6 compliance currently. It's for more hours than what
7 is being asked, but it is during the times in which we
8 feel that it's appropriate to have someone there.

9 **CHAIRMAN HARRIS:** Okay. If we were to take
10 those hours between the months of May and September,
11 May, June, July, August and September inclusive, and
12 say that you would need to have a parking lot
13 attendant or a staff member. If you don't have
14 anybody out in the parking lot, it's not to say you
15 can't use that person for something inside. But at
16 the same time, if you do have vehicles and whatever,
17 that person is responsible to be outside doing this
18 job. That's the way I'm leaning.

19 So, I'm going to go ahead and put that in
20 the form of a motion. So, what I'm going to do is
21 relieve the sign postings. You're welcome to take
22 them down. So, we're going to remove that
23 restriction, which is number one on the restrictions.

24 And the -- number two, the parking lot
25 attendant for Friday, Saturday, we're going to take

1 those hours that you suggested. You can talk to our
2 administration and make sure we understand and clarify
3 that. But that also should include Sunday. So, where
4 it just says Friday and Saturday here, we're adding
5 Sunday to that. Okay?

6 **MR. MUEHLHAUSER:** It currently has Sunday;
7 it just says Sunday at 3 a.m. (sic) is all it says.
8 It doesn't say until when. And the only other
9 question I would have on that is during those months
10 is, like, an inclement weather day. If it's pouring
11 down rain on a Sunday --

12 **CHAIRMAN HARRIS:** It's a good point. And
13 that goes back to what I just said. If you have a
14 parking lot attendant or somebody that you're using as
15 a parking lot attendant, you might be able to find a
16 better use for them on a rainy day inside.

17 **MR. MUEHLHAUSER:** Right.

18 **CHAIRMAN HARRIS:** I'm not going to tell you
19 how to operate your business, but it's kind of hard
20 for me to give an exemption with the weather because
21 then it's a matter of opinion.

22 **MR. MUEHLHAUSER:** Understood.

23 **CHAIRMAN HARRIS:** You know, foggy weather,
24 is that rain or, you know, cloudy. So, I'm going to
25 leave that as is. But you have the freedom, if you

1 will, to be able to utilize that parking lot
2 attendant, again, remembering that you are responsible
3 for that parking lot. Okay?

4 All right. So, I'm going to put that in the
5 form of a motion. I'm looking for a second.

6 **COMMISSIONER DUFFIE:** I second.

7 **CHAIRMAN HARRIS:** Okay. I have a second.
8 All those in favor?

9 **COMMISSIONER SNOOPS:** Aye.

10 **COMMISSIONER DUFFIE:** Aye.

11 **CHAIRMAN HARRIS:** Aye. I'm sorry?

12 **MR. ARONSON:** Is that May through September,
13 is that what that would change it to?

14 **CHAIRMAN HARRIS:** Yes. May, June, July,
15 August and September. Five months of the year.

16 **MR. ARONSON:** Do you want it changed the 3
17 p.m. to 3 p.m. to closing so it's more understandable?

18 **MR. PRALEY:** I think they suggested the
19 hours that they'd like to use.

20 **CHAIRMAN HARRIS:** Please contact Mr. Aronson
21 soon so that he can put that in the form of the
22 changes of restriction. Okay?

23 **MR. MUEHLHAUSER:** Very good. Thank you.

24 **CHAIRMAN HARRIS:** All right. Have a good
25 evening.

1 **MR. MUEHLHAUSER:** Thank you.

2 **MS. GORECKI:** Thank you.

3 **CHIEF INSPECTOR FORD:** Thank you very much.

4 (PROCEEDINGS CONCLUDED AT 7:40 P.M.)

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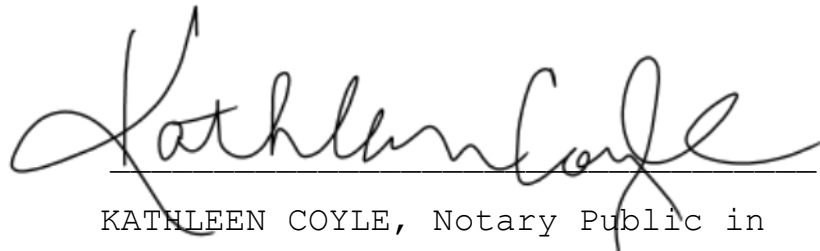
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CERTIFICATE OF NOTARY

I, KATHLEEN COYLE, Notary Public, before whom the foregoing testimony was taken, do hereby certify that the witness was duly sworn by me; that said testimony is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to this action, nor financially or otherwise interested in the outcome of the action; and that the testimony was reduced to typewriting by me or under my direction.

This certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, including exhibits, unless disassembly or photocopying is done under the auspices of OLENDER REPORTING, INC., and the signature and original seal is attached thereto.

A handwritten signature in cursive script, reading "Kathleen Coyle", written over a horizontal line.

KATHLEEN COYLE, Notary Public in
and for the State of Maryland

My Commission Expires: April 30, 2026

Tuesday, October 8, 2024

Whereupon, pursuant to notice the above-entitled hearing was held before the Anne Arundel County Government Board of License Commissioners, 44 Calvert Street, Council Chambers, Annapolis, Maryland 21401, commencing at 8:00 p.m. There being present:

1 BOARD MEMBERS PRESENT:

2 WAYNE HARRIS, CHAIRMAN

3 OTIS DUFFIE, COMMISSIONER

4 BERNADETTE SNOOPS, COMMISSIONER

5

6 STAFF MEMBERS PRESENT:

7 JAMES PRALEY, ESQUIRE

8 JIM FORD, CHIEF LIQUOR INSPECTOR

9 EDWARD I. ARONSON, ADMINISTRATOR

10 JANET GAGNON, SECRETARY

11 MICHELLE M. MONTI, SECRETARY

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1 P R O C E E D I N G S

2 **CHAIRMAN HARRIS:** We are back in session.
3 Please go right ahead, Chief.

4 **CHIEF INSPECTOR FORD:** Spirit Shop of
5 Annapolis; Spirit Shop of Annapolis, LLC. Kristin
6 Schutz, member; Stephen McCray, member; Inspector Joe
7 McCurnin. This is for a new license located 2641 Riva
8 Road, Suite F, Annapolis, Maryland 21401. It's for a
9 Class A beer/wine/liquor, beer/wine/liquor tasting
10 license.

11 Gentlemen, if you'd raise your right hands.

12 (PARTIES SWORN.)

13 **CHIEF INSPECTOR FORD:** Thank you very much.
14 You may be seated. And if you could, state your names
15 and addresses for the record.

16 **MR. SCHUTZ:** My name is Kristin Schutz. My
17 address is 506 Pafel Road, Annapolis, Maryland 21401.

18 **MR. McCRAY:** My name is Stephen McCray. My
19 address is 202 Fifth Street, Lothian, Maryland 20711.

20 **CHIEF INSPECTOR FORD:** Thank you very much.

21 **MR. PRALEY:** All right. Gentlemen, thank,
22 you for being here tonight. This is your opportunity
23 to present your case to the Board. If there are any
24 exhibits that you want the Board to consider that have
25 not already been submitted with your application

1 package, please bring that to our attention. We'll
2 ask you to bring those forth. But we'll turn the
3 floor over to you and then see if the commissioners
4 have any questions. All right.

5 **MR. SCHUTZ:** Okay. All right. Well, thank
6 you for having us today. We're here today for a Class
7 A license.

8 We're looking for liquor, beer, wine tasting
9 but no Sunday sales for our new shop, the Spirit Shop
10 of Annapolis. All licenses and permits, you should
11 have everything submitted. We have everything
12 obtained besides the occupancy permit. We are waiting
13 for a small remodel of the current location once this
14 is approved. And that is contingent, of course, upon
15 today's decision.

16 So, the Spirit Shop of Annapolis, what we're
17 trying to do is do something a little different.
18 We're not going to be your everyday liquor store. We
19 wanted to celebrate the time-honored tradition of
20 cocktail making. Home bartending isn't just a past
21 time, it's a cherished ritual that brings people
22 together. That's why we will go above and beyond to
23 provide everything needed to craft the perfect drink
24 from premium spirits to liquors to essential mixers
25 and tools. We're passionate about helping our clients

1 unleash their creativity at home.

2 We will also feature a selection of wine and
3 craft beer, and we will focus our selection primarily
4 trying to highlight a lot of the local vineyards,
5 distilleries and breweries throughout the State of
6 Maryland and Virginia to highlight the local craft
7 industry.

8 Steve and I have well over 30 years of
9 experience in the food business, food and beverage
10 business. Myself, being the general manager at the
11 TGI Fridays located right here in Annapolis for the
12 last ten years, 17 years with the TGI Fridays brand.
13 Stephen has been a bartender and a server as well for
14 me for the last 10 years. He's also been at my
15 location a little bit longer. We are both fully
16 certified in ServSafe with the State. I'm also a
17 certified proctor for ServSafe and do all the food and
18 alcohol tasting/testing for the company, for TGI
19 Fridays throughout the State of Maryland as well.
20 I've been doing that for the past 15 years for the
21 company. So, we're fully aware of all the compliance
22 and regulations that are in place and understand what
23 is needed to sell alcohol safely.

24 Neither of us have any interest in any other
25 liquor license in the State of Maryland. We're

1 planning on being owner/operators. We don't plan on
2 having any other staff in the first couple of years,
3 of course, while we get this business growing. But we
4 do understand that management agreements and things
5 like that, that does change over time. We would
6 definitely make sure we have that taken care of.

7 **MR. PRALEY:** Okay. Mr. Chairman, questions?

8 **CHAIRMAN HARRIS:** Wow. You already answered
9 the one question I was going to ask. That was slick.
10 So, neither of you have an interest in any
11 other liquor license in the State of Maryland,
12 correct?

13 **MR. SCHUTZ:** No.

14 **CHAIRMAN HARRIS:** Thank you. You say you're
15 different than many of the retail outlets that you're
16 competing against. Can you explain in a little more
17 detail why you think you're different?

18 **MR. SCHUTZ:** Sure. We -- like I said, we're
19 trying to bring the home bar back to the home.

20 One thing that I've noticed throughout my
21 travel in Annapolis, there's great selections of
22 wines, there's great selections of liquors, all kinds
23 of different things. You have your places where you
24 can go pick up your 30-pack of Coors Light for your
25 barbeque or you can go get a premium bottle of wine.

1 But when I try to find the ingredients of like fresh
2 juices and different things, the different things that
3 go into making great cocktails, you can't really find
4 a lot of those mixes that you need, a lot of those
5 ingredients that you need. You can order the tools on
6 Amazon, but you don't really know about them. You
7 don't know the quality of them.

8 So, we're trying to bring all of those
9 things together to allow people to go home, create
10 great cocktails. And it's safer being at home than it
11 is going out to go to a bar. So, why not do it at
12 home, save a little money, and have a little fun being
13 creative.

14 **CHAIRMAN HARRIS:** Okay. Very good. Thank
15 you.

16 And no Sundays you said?

17 **MR. SCHUTZ:** No Sundays.

18 **CHAIRMAN HARRIS:** Correct?

19 **MR. SCHUTZ:** Correct.

20 **CHAIRMAN HARRIS:** Okay. I have no further
21 questions at this time.

22 **MR. PRALEY:** Commissioner Duffie, any
23 questions?

24 **COMMISSIONER DUFFIE:** No. No questions.

25 **MR. PRALEY:** Commissioner Snoops?

1 **COMMISSIONER SNOOPS:** No questions.

2 **MR. PRALEY:** All right. Mr. Chairman?

3 **CHAIRMAN HARRIS:** Okay. This is probably
4 the shortest one tonight. I'm going to go ahead and
5 make a motion that we grant this license to you. I
6 don't see anybody in opposition or anybody having
7 anything to say. So, that's a good sign also.

8 So, I'll put that in the form of a motion.
9 Looking for a second.

10 **COMMISSIONER DUFFIE:** I second it.

11 **CHAIRMAN HARRIS:** Thank you. I have a
12 second. All in favor?

13 **COMMISSIONER DUFFIE:** Aye.

14 **COMMISSIONER SNOOPS:** Aye.

15 **CHAIRMAN HARRIS:** Thank you. Have a good
16 evening.

17 **MR. SCHUTZ:** Thank you.

18 **CHIEF INSPECTOR FORD:** Thank you very much
19 and congratulations.

20 (PROCEEDINGS CONCLUDED AT 8:07 P.M.)

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C O N T E N T S

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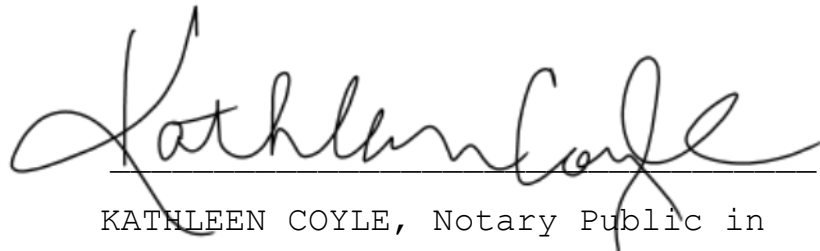
PROFER Mr. Schutz
BOARD RULING

4
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CERTIFICATE OF NOTARY

I, KATHLEEN COYLE, Notary Public, before whom the foregoing testimony was taken, do hereby certify that the witness was duly sworn by me; that said testimony is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to this action, nor financially or otherwise interested in the outcome of the action; and that the testimony was reduced to typewriting by me or under my direction.

This certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, including exhibits, unless disassembly or photocopying is done under the auspices of OLENDER REPORTING, INC., and the signature and original seal is attached thereto.

A handwritten signature in cursive script, reading "Kathleen Coyle", written over a horizontal line.

KATHLEEN COYLE, Notary Public in
and for the State of Maryland

My Commission Expires: April 30, 2026

Tuesday, October 8, 2024

Whereupon, pursuant to notice the above-entitled hearing was held before the Anne Arundel County Government Board of License Commissioners, 44 Calvert Street, Council Chambers, Annapolis, Maryland 21401, commencing at 6:17 p.m. There being present:

1 BOARD MEMBERS PRESENT:

2 WAYNE HARRIS, CHAIRMAN

3 OTIS DUFFIE, COMMISSIONER

4 BERNADETTE SNOOPS, COMMISSIONER

5

6 STAFF MEMBERS PRESENT:

7 JAMES PRALEY, ESQUIRE

8 JIM FORD, CHIEF LIQUOR INSPECTOR

9 EDWARD I. ARONSON, ADMINISTRATOR

10 JANET GAGNON, SECRETARY

11 MICHELLE M. MONTI, SECRETARY

12

13 ON BEHALF OF THE APPLICANTS:

14 RICHARD BITNER, ESQUIRE

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1 P R O C E E D I N G S

2 **CHIEF INSPECTOR FORD:** Okay. Our next case
3 is Starting Gate Liquors; K and S --

4 **MR. BITTNER:** Waive reading, Mr. Chief
5 Inspector.

6 **CHIEF INSPECTOR FORD:** Thank you, Mr.
7 Bittner.

8 Anyone wishing to testify for or against,
9 please approach the table. And please remain standing
10 once you reach the table. And anyone who is going to
11 testify, please do raise your right hand.

12 **MR. BITTNER:** Everybody please step up.

13 (PARTIES SWORN.)

14 **CHIEF INSPECTOR FORD:** Thank you. You may
15 be seated.

16 And we'll start over here to my left with
17 Inspector Mathews.

18 Inspector Mathews, if you could step up to
19 the microphone and state your name and address for the
20 record, please.

21 **INSPECTOR MATHEWS:** George Mathews, 2011
22 Commerce Park Drive, Annapolis, Maryland.

23 **CHIEF INSPECTOR FORD:** Thank you.

24 **INSPECTOR MARSHALL:** Norman Buddy Marshall,
25 Anne Arundel County Liquor Board.

1 **INSPECTOR RALSTON:** Deputy Chief Inspector
2 Ralston, Anne Arundel County Liquor Board.

3 **CHIEF INSPECTOR FORD:** Detective?

4 **DETECTIVE MIDDLETON:** Detective Thomas
5 Middleton, Anne Arundel County Police, Western
6 District.

7 **CHIEF INSPECTOR FORD:** Sir, your name?

8 **MR. ZHANG:** My name? Zi Zhang.

9 **CHIEF INSPECTOR FORD:** And your address,
10 sir?

11 **MR. ZHANG:** 2508 (indiscernible) Place,
12 (indiscernible).

13 **CHIEF INSPECTOR FORD:** Thank you.

14 **MS. CHEN:** Angela Chen, 8219 River Park
15 Road, Bowie, Maryland.

16 **MR. BITTNER:** And I'm Richard Bittner, B-I-
17 T-T-N-E-R, on behalf of the Licensees. Good evening.

18 **CHIEF INSPECTOR FORD:** And sir?

19 **MR. CLINEDINST:** George Clinedinst. My
20 address is 354 (indiscernible) South, Laurel,
21 Maryland.

22 **CHIEF INSPECTOR FORD:** Thank you, everyone.

23 **MR. PRALEY:** All right. It looks like
24 that's everybody. I believe --

25 **MR. BITTNER:** Stand up and identify yourself.

1 **UNIDENTIFIED SPEAKER:** Irene Shirpus
2 (phonetic). I'm a manager. My address is 14001
3 (indiscernible) Drive, Bowie, Maryland.

4 **CHIEF INSPECTOR FORD:** Thank you.

5 And, Mr. Aronson, you will have to swear me
6 in as well.

7 **CHAIRMAN HARRIS:** They had their hands up
8 and they were sworn in. They just didn't --

9 **MR. ARONSON:** I'll just swear the chief
10 inspector.

11 (PARTY SWORN.)

12 **CHIEF INSPECTOR FORD:** I do. Chief
13 Inspector Jim Ford, Anne Arundel County Liquor Board.

14 **MR. BITTNER:** So, Mr. Chairman, if I may, I
15 had advised counsel for the Board that I expected this
16 would be an admission and we would like to be heard in
17 mitigation.

18 **CHAIRMAN HARRIS:** Mr. Bittner, I'm okay with
19 that. But I would ask that, for clarity, the fact
20 that we have more than one case here this evening for
21 the Starting Gate, would you have an objection if I
22 get a synopsis or a quick review from the officer as
23 to what happened?

24 **MR. BITTNER:** Certainly not. No, absolutely
25 not.

1 **CHAIRMAN HARRIS:** Okay. Then I'm okay to
2 proceed with that understanding.

3 **MR. PRALEY:** Okay. Detective, then we'll
4 ask for a statement of facts regarding the June 8th
5 violation. And then we'll see if Mr. Bittner has any
6 questions. And then we'll turn to the August 22nd and
7 then the August 23rd for the statement of facts.

8 **DETECTIVE MIDDLETON:** Good evening, Chairman
9 and members of the Board. Again, Detective Middleton,
10 Anne Arundel County Police.

11 **MR. BITTNER:** I'm sorry to interrupt you. I
12 had it as June the 7th, June the 8th, and August 22nd.

13 **MR. PRALEY:** You could be correct. I'm
14 looking at the violation notice here on the front
15 cover. So, June the 8th, you're correct.

16 **CHIEF INSPECTOR FORD:** June 8th was --

17 **MR. ARONSON:** The report was written on the
18 7th.

19 **MR. PRALEY:** Yeah.

20 **DETECTIVE MIDDLETON:** The report was on the
21 7th.

22 **MR. PRALEY:** Yeah, you're correct, Mr.
23 Bittner. Apologies.

24 **MR. BITTNER:** Okay. There's three separate
25 violation dates, charging similar type conduct.

1 **MR. PRALEY:** Understood.

2 Detective?

3 **DETECTIVE MIDDLETON:** Mr. Chairman, members
4 of the Board, Detective Middleton, Anne Arundel County
5 Police. This was on June 7th, of 2024, at
6 approximately 9:00 p.m.

7 I was on patrol in the area of Starting Gate
8 Liquor Store, 3495 Laurel -- Ft. Meade Road. That's
9 in Laurel, Anne Arundel County, Maryland. I drove
10 through the parking lot and observed approximately 35
11 subjects standing in the corner, the rear corner of
12 the parking lot. Numerous subjects were drinking open
13 containers of alcoholic beverages. I was able to take
14 a short video of the small crowd as they started to
15 run through a large opening in a chain link fence that
16 had been cut prior to that evening. Those apartments
17 were on the other side, which is the Tall Oaks
18 Apartments, which was directly behind the liquor
19 establishment.

20 I observed numerous empty and half full cans
21 of alcoholic beverages that were dropped on the
22 ground. I could detect a strong odor of burning
23 marijuana coming from where the subjects were
24 standing.

25 I continued around the parking lot and

1 notified police dispatch to start me a back-up unit.
2 Another officer arrived on the scene shortly after,
3 Officer Kurtz. I also observed a silver Toyota Camry
4 that was backed into the parking space on the parking
5 lot near the side of the store. I could hear loud
6 music playing. Observed three subjects standing at
7 the rear of the vehicle. I observed three empty
8 Pacifico beer bottles on the ground and several more
9 full bottles inside the trunk of the vehicle.

10 I advised them, the subjects that were
11 standing there, that they were littering by throwing
12 empties on the ground and violating the law by
13 consuming alcoholic beverages on the parking lot. One
14 of the subjects picked up the empty bottles, advised
15 that he was going to go throw them in the trash. That
16 subject never returned, fled the area. The other two
17 subjects were asked for identification, produced ID
18 cards from the country of El Salvador. Those subjects
19 were over the age of 21.

20 Mr. Ronnie Melendez advised that he had
21 purchased the Pacifico beer from the Starting Gate
22 Liquor Store, and that they were just hanging out on
23 the lot listening to music. I advised them that they
24 could not engage in this activity, and that it was
25 also against the law. The other subject was

1 identified as Jose Aerias (phonetic). They were
2 advised that they could be charged, but they were
3 given a verbal warning for their cooperation. All the
4 trash was picked up around the vehicle, and they
5 understood, and advised that they would leave the lot.
6 Officer Kurtz and I continued to the rear lot where
7 the other subjects had fled through the fence and were
8 able to just make sure that those subjects were gone.

9 At that point I entered the Starting Gate
10 Liquor store and identified the manager on duty as Ms.
11 Jennifer Zhang. There was a store, a uniformed
12 security guard at the front door. I did question him
13 about the parking lot. And he had advised me that he
14 only stays on the inside of the store.

15 I asked Ms. Zhang why she allowed the
16 subjects to loiter on the lot, drinking alcoholic
17 beverages. And she advised that she was busy and
18 hasn't been checking the lot. I also advised her that
19 there was a trailer on the rear lot that was causing
20 the situation for numerous subjects to be hanging
21 around it. She advised that she was told recently by
22 the Liquor Board inspector to have it removed. And
23 she stated, I'll give them back their rent money and
24 told them that they had to leave. I also asked her
25 about the numerous tractors that were parked on the

1 lot. And she advised that she was giving the owners
2 their rent payments back and having them move those
3 tractors from the lot.

4 I advised her that she was responsible for
5 checking her lot and not allowing people to drink
6 alcoholic beverage and loiter after they purchased
7 alcohol from her store. She advised that her father
8 was the owner, and he was out of the country in China.
9 And when he returned, she was going to have the
10 trailer and the other vehicles moved off the lot.

11 I submitted this report to the Liquor Board
12 and advised Chief Inspector Jim Ford of the
13 observations that happened on that night. And that
14 would be the statement of facts for the June 7th.

15 MR. PRALEY: All right. Thank you,
16 Detective.

17 Mr. Bittner, I know you've already
18 acknowledged guilt. Do you have questions?

19 MR. BITTNER: We have no additions or
20 corrections, agree with the elements of the
21 violations.

22 CROSS-EXAMINATION BY COUNSEL FOR THE LICENSEE

23 BY MR. BITTNER:

24 Q I believe the managers were polite and
25 cooperative?

1 A Yes.

2 Q And if you've had occasion to go back and
3 see those vehicles have been removed?

4 A They were. Yes.

5 Q Thank you.

6 A And the trailer was also removed.

7 MR. BITTNER: Yes.

8 MR. PRALEY: Mr. Chairman, do you have
9 questions of the Detective at this point?

10 CHAIRMAN HARRIS: No questions at this
11 point.

12 MR. PRALEY: Okay.

13 CHAIRMAN HARRIS: The report was thorough.
14 Thank you.

15 MR. PRALEY: Commissioner Duffie, any
16 questions?

17 COMMISSIONER DUFFIE: No questions.

18 MR. PRALEY: Commissioner Snoops, any
19 questions?

20 COMMISSIONER SNOOPS: No questions.

21 MR. PRALEY: All right. Mr. Bittner, if you
22 want to be heard in mitigation on this one. We're
23 going to take them sequentially just to preserve the
24 record.

25 MR. BITTNER: I would prefer, and I think

1 perhaps for Board economy, just to be heard one time
2 at the end.

3 MR. PRALEY: Okay. That's fine.

4 (PROCEEDINGS CONCLUDED AT 6:28 P.M.)

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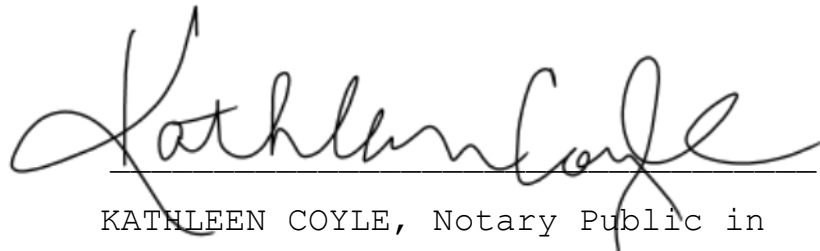
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CERTIFICATE OF NOTARY

I, KATHLEEN COYLE, Notary Public, before
whom the foregoing testimony was taken, do hereby
certify that the witness was duly sworn by me; that
said testimony is a true record of the testimony given
by said witness; that I am neither counsel for,
related to, nor employed by any of the parties to this
action, nor financially or otherwise interested in the
outcome of the action; and that the testimony was
reduced to typewriting by me or under my direction.

This certification is expressly withdrawn
upon the disassembly or photocopying of the foregoing
transcript, including exhibits, unless disassembly or
photocopying is done under the auspices of OLENDER
REPORTING, INC., and the signature and original seal
is attached thereto.

A handwritten signature in cursive script, reading "Kathleen Coyle", written over a horizontal line.

KATHLEEN COYLE, Notary Public in
and for the State of Maryland

My Commission Expires: April 30, 2026

Tuesday, October 8, 2024

Whereupon, pursuant to notice the above-entitled hearing was held before the Anne Arundel County Government Board of License Commissioners, 44 Calvert Street, Council Chambers, Annapolis, Maryland 21401, commencing at 6:28 p.m. There being present:

1 BOARD MEMBERS PRESENT:

2 WAYNE HARRIS, CHAIRMAN

3 OTIS DUFFIE, COMMISSIONER

4 BERNADETTE SNOOPS, COMMISSIONER

5

6 STAFF MEMBERS PRESENT:

7 JAMES PRALEY, ESQUIRE

8 JIM FORD, CHIEF LIQUOR INSPECTOR

9 EDWARD I. ARONSON, ADMINISTRATOR

10 JANET GAGNON, SECRETARY

11 MICHELLE M. MONTI, SECRETARY

12

13 ON BEHALF OF THE APPLICANTS:

14 RICHARD BITTNER, ESQUIRE

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1 P R O C E E D I N G S

2 **MR. PRALEY:** Detective, if you could provide
3 us a brief statement of facts on the next incident,
4 please.

5 **DETECTIVE MIDDLETON:** Okay. This incident
6 was on August 22nd. It was approximately 9:30 at
7 night. I was on patrol in the area, the Starting Gate
8 Liquor Store, again, 3495 Laurel-Ft. Meade Road, in
9 Laurel, Anne Arundel County, Maryland.

10 I drove on the lot and immediately observed
11 several subjects standing in a circle behind a gray
12 Lexus SUV truck in the rear lot. The truck had its
13 tailgate down. It was another woman I observed
14 sitting in the parking lot on a small rectangular
15 speaker that was flashing lights and loud music
16 playing from the speaker. I observed several open
17 cans of beer. I recognize through my training,
18 knowledge and experience to be open containers of
19 alcoholic beverages. One of the cans was a
20 Milwaukee's Best beer. And there was a small
21 miniature bottle of unknown brand of alcoholic
22 beverage on the tailgate of the truck.

23 I activated my emergency lights as I sat on
24 the parking lot. The group immediately dispersed with
25 their cans of alcoholic beverages. Several walked

1 quickly through the same cut in the fence that led
2 over to the Tall Oaks Apartments. And one subject
3 later identified as Mr. Glen Cherry walked back
4 through the fence and yelled, "It's okay. I work
5 here." Cherry advised that he was an employee of the
6 Starting Gate Liquor Store and had been working there
7 for approximately eight months. I asked Cherry if he
8 was on duty at the time, and he stated, "no."

9 Another subject who walked back towards me
10 stated, "I work here also." That subject was never
11 identified, and he walked off. But he did advise he
12 was Cherry's brother. I was not able to verify that
13 by identification. I explained that he can't loiter
14 on the parking lot drinking alcoholic beverages and
15 allowing others to, you know, "party on the lot."

16 Mr. Cherry advised that he was aware of this
17 and had been told by the owners that the police had
18 already told them to enforce this law several weeks
19 ago. Cherry advised that he would tell everyone that
20 they could not congregate and drink on the lot. He
21 stated, "I'll try to tell them, but they don't listen
22 to us." I asked when Cherry -- I'm sorry.

23 I went into the store and identified the on-
24 duty manager as Mr. Christopher Bravo. And Bravo
25 stated that he was aware of the people loitering. He

1 stated that I try to -- he was the one that said I
2 tried to tell them to listen, but they don't. I asked
3 if Glen Cherry was an employee of the store. And he
4 advised that Cherry was an employee. He stocks beer
5 when he works in the store. I instructed Mr. Bravo
6 that he needs to contact the police department when
7 this happens so people don't loiter on the lot, so
8 that we can respond up there to assist them to move
9 those people along.

10 (PROCEEDINGS CONCLUDED AT 6:31 P.M.)

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C O N T E N T S

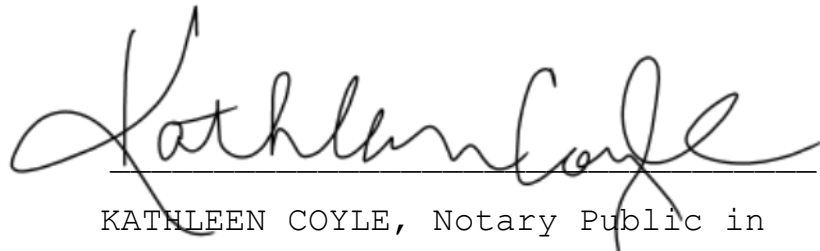
PAGE

STATEMENT OF FACTS Detective Middleton 3

CERTIFICATE OF NOTARY

I, KATHLEEN COYLE, Notary Public, before whom the foregoing testimony was taken, do hereby certify that the witness was duly sworn by me; that said testimony is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to this action, nor financially or otherwise interested in the outcome of the action; and that the testimony was reduced to typewriting by me or under my direction.

This certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, including exhibits, unless disassembly or photocopying is done under the auspices of OLENDER REPORTING, INC., and the signature and original seal is attached thereto.

A handwritten signature in cursive script, reading "Kathleen Coyle", written over a horizontal line.

KATHLEEN COYLE, Notary Public in
and for the State of Maryland

My Commission Expires: April 30, 2026

BEFORE THE ANNE ARUNDEL COUNTY GOVERNMENT
BOARD OF LICENSE COMMISSIONERS

:
TESTIMONY IN RE: :
:
STARTING GATE LIQUORS; :
K and S Spirits, LLC :
:

Tuesday, October 8, 2024

Whereupon, pursuant to notice the above-
entitled hearing was held before the Anne Arundel
County Government Board of License Commissioners, 44
Calvert Street, Council Chambers, Annapolis, Maryland
21401, commencing at 6:31 p.m. There being present:

1 BOARD MEMBERS PRESENT:

2 WAYNE HARRIS, CHAIRMAN

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13 ON BEHALF OF THE APPLICANTS:

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1 P R O C E E D I N G S

2 **DETECTIVE MIDDLETON:** So, the very next
3 night I drove through there at about 7:30 p.m., on
4 August 23rd.

5 And at this point I was with another
6 Detective, Mountcastle, and we were in a covert
7 vehicle at that point. And we observed three subjects
8 standing near the green electrical box, which is also
9 located there near the cut-through that goes to the
10 same apartment complex. And I recognized the one
11 subject as Mr. Glen Cherry, who I had identified the
12 night before.

13 I took photographs of the three subjects as
14 I sat in the truck and observed the open containers of
15 Bud Ice, Milwaukee's Best, and Mike's Blue Freeze
16 alcoholic beverages on a green electrical box. Mr.
17 Cherry was holding a beer in his hand. I did not get
18 out and identify ourselves at this point. We just
19 document it with photographs and this report. And
20 then I also forwarded this to the Liquor Board. That
21 would be my statement of facts.

22 **MR. PRALEY:** All right. Thank you,
23 Detective.

24 Mr. Bittner, any questions?

25 **MR. BITTNER:** No. Thank you.

1 **MR. PRALEY:** Mr. Chairman, any questions
2 based on those two dates?

3 **CHAIRMAN HARRIS:** I do have a few.

4 QUESTIONS BY BOARD MEMBERS

5 BY CHAIRMAN HARRIS:

6 **Q** Detective, you were there on all three
7 occasions that we're talking about here, personally?

8 **A** Yes, sir.

9 **Q** And you observed some of the same subjects
10 repeatedly, meaning more than once, correct?

11 **A** Correct.

12 **Q** And you had a conversation with those
13 subjects, and you explained to them that they weren't
14 allowed to be out there consuming or drinking?

15 **A** Yes, sir.

16 **Q** Is that correct? Okay.

17 Has this place, in your opinion, been a
18 problem with congregating, especially consuming?

19 **A** Yes. I was approached by the patrol
20 officers that work that area to bring it to my
21 attention that they were having issues with --
22 especially early on with that trailer that was out in
23 the back was causing a big congregation point. And it
24 just became a -- other police calls from service came
25 out of the order, you know, they had, you know, some

1 other police calls, 911 calls come in because of the
2 situation back there.

3 Q And it's my understanding that there was
4 more than one vehicle back there. And so, I believe a
5 camper or a trailer?

6 A Yeah. There was the trailer and there was
7 another SUV type of vehicle that's been out there
8 several times. I never verified who it belonged to,
9 but it seemed to -- and Mr. Cherry had advised that he
10 was trying to get it fixed. I never verified who it
11 belonged to.

12 Q Okay. On any of the three occasions that
13 we're talking about tonight did you observe a security
14 staff member of any type outside, on the parking lot,
15 besides the one that was inside?

16 A No.

17 Q Okay. And if I'm correct, the first offense
18 on June 7th was at 9:01 p.m., on Friday?

19 A Correct.

20 Q And the second one, August 22nd, was at 9:30
21 p.m.?

22 A Correct.

23 Q Okay. Have you been by this location since
24 these three infractions?

25 A I have.

1 **Q Have you seen any difference in what's**
2 **taking place on the parking lot?**

3 A Yes. The management has actually reached
4 out to some of the regular patrol officers who work
5 out there to try to create a banning list for some of
6 the regular loiterers that keep coming back to the lot
7 that they were having trouble with, trying to move on,
8 that wouldn't listen, according to some of their
9 managers, like Ms. Zhang had said. I can't account
10 for Mr. Cherry. I haven't been out there super
11 recent. But like I said, the trailer was removed, and
12 the trucks that had been, I guess they were subleasing
13 possibly or whatever, the tractor trailer trucks on
14 the lot, those were all, had been removed also. And I
15 haven't had any recent complaints --

16 **Q Okay.**

17 A -- on loitering.

18 **Q All right. Thank you.**

19 **CHAIRMAN HARRIS:** No further questions for
20 the Detective at this time.

21 **MR. PRALEY:** Commissioner Duffie, any
22 questions?

23 **COMMISSIONER DUFFIE:** No. Not any from
24 Corporal Middleton.

25 **MR. PRALEY:** Commissioner Snoops, any

1 questions?

2 **COMMISSIONER SNOOPS:** No questions.

3 **MR. PRALEY:** Mr. Bittner, do you have any
4 questions in follow-up to the new line of testimony
5 that you've provided?

6 **MR. BITTNER:** I do not.

7 **MR. PRALEY:** All right. Then we'll turn it
8 over to you, Mr. Bittner. Thank you, Detective.

9 Go ahead and present your client's case by
10 way of proffer, calling witnesses or a combination of
11 both.

12 **MR. BITTNER:** Okay. Thank you very much.
13 Mr. Chairman, members of the Board, if I may hand up a
14 packet -- just I'd ask it be marked collectively as
15 Licensee's exhibit number 1. And I direct your
16 attention to the next to last page, and the third from
17 last page. They're photo -- and I'll move these in
18 for the Board, please.

19 **MR. PRALEY:** Those will be admitted.

20 (WHEREUPON, THE DOCUMENT WAS MARKED AND
21 ADMITTED AS LICENSEE'S EXHIBIT NO. 1.)

22 **MR. BITTNER:** They're photos of the
23 location. And Detective Middleton and his colleagues
24 are absolutely correct, there's been a problem here
25 with loitering. You've heard my clients have tried to

1 address it. They needed to be more aggressive in
2 addressing it. I think while dad -- it's a family-
3 owned business, family-operated business. And I think
4 while dad was away, perhaps they let their guard down.
5 And because they are family oriented, this is an
6 example of how no good deed goes unpunished and things
7 could spiral out of control.

8 They had a family that had lost their home,
9 so they agreed to rent space in the back where the
10 trailer was. Thought it would be a win/win. They
11 could have a little rent; these people could
12 transition to where they needed to be. Didn't realize
13 the problems that it would cause. They've since asked
14 them to leave, and they've left.

15 There were truckers in the neighborhood, are
16 truckers in the neighborhood, asked to park their
17 vehicles. Again, the owners felt, the managers felt
18 that it would be a win/win. They could get some rent.
19 It looked like the parking lot had people on it. It
20 would be a deterrent. Little did they know that they
21 were going to start sleeping in those trailers, and
22 staying there, and being there overnight. They're now
23 gone.

24 But the biggest problem, and a problem that
25 they continue to address, and the Board has tried to

1 address, is simply that back forest area, that grove
2 of trees, it's a park, and it's just an area where
3 homeless people congregate, drunkards, quite frankly,
4 congregate, drug users congregate. And it's
5 facilitated because back in that area there are even
6 benches and grills for people at the gas station
7 behind to use.

8 So, we recognize the problem. We should
9 have sent the officer that we have. And you'll see in
10 the packet, the last page, they pay for a security
11 guard. That guard needs to be and has been -- you've
12 heard there haven't been any issues since the last
13 ones in August. So, the guard is now being more
14 aggressive and getting out there.

15 Since I got into the case six business days
16 ago, we have reached. In the packet you'll see my
17 cover letter to all of the surrounding land owners
18 asking them to join with us. Because it's our
19 contention these people move back and forth. They
20 move from the fast foods, they move from the woods,
21 they come in our place. And so, we're trying to get
22 the whole business community, if you would, involved.
23 We're trying to get the apartment complex behind to
24 repair the fence. We've even reached out, and Ms.
25 Chen has contacted Long Fence, and begun to get some

1 estimates -- some as high as \$49,000 -- to get, you
2 know, a Berlin wall, a Belfast caliber wall up there
3 to stop this, what really sadly is an attractive
4 nuisance.

5 But most importantly, what my clients are
6 doing, and Jennifer can address this. She's ordered
7 some additional signage. She's reached out to
8 electricians to get some additional lighting and some
9 additional cameras because one -- what they intend to
10 do, one of the signs is going to read "If you're
11 observed consuming alcohol on the premises, you will
12 be banned for six months." So, that's going to be a
13 sign conspicuously posted inside, and it's going to
14 give them the opportunity -- they're looking into
15 having a system that they'll be able to actually
16 download the picture of the person. So, if they see
17 someone out there -- because, you know, people were
18 congregating there. They should have gone out.

19 But what seems to be happening is that
20 impulse, that spur of the moment person comes in,
21 they're heading back to the apartments, they're
22 heading back to the woods where their grill is and
23 they're starting to drink on the way, and they're
24 coming back. We're now going to have the ability, we
25 hope in the next couple of weeks, to have that under

1 video surveillance at all times, capacity to take
2 their picture. You've heard Detective Middleton tell
3 you how they're trying to get the patrol officers
4 involved. They'll be able to give them the picture,
5 have them charged as necessary with trespassing. But
6 more importantly, most importantly have them banned
7 from the location.

8 This largely was the cause of a rogue
9 employee. The SUV out there, we understand was Mr.
10 Cherry's significant other, his partner. She would
11 come and sit out there and wait for him and run
12 errands for him while he was there. He's fired. He's
13 gone. In fact, I understand he came by today and was
14 told to get off the premises. He's banned from the
15 premises. I think we saw him here today, so it's on
16 the record. Right now, Mr. Cherry, if you're in the
17 audience, you're banned from this location 3495
18 Laurel-Ft. Meade Road. So, they've taken strong
19 remedial measures, Mr. Chairman, members of the Board,
20 to address these issues. They're issues that need to
21 be addressed. We're trying to involve the whole
22 community, including elected officials. You'll see
23 correspondence in there to our council person.

24 We'd ask you to certainly not take this
25 family's license, typically given the actions they've

1 taken to correct the problem, the actions they're
2 taking to ameliorate the potential for future problems
3 and impose a light fine in light of the expenses
4 they're willing to undertake to make sure that they
5 can address the problem the best way they can.

6 Ms. Chen is here. She's happy to answer any
7 of your questions. Our manager, Jennifer Ting, is
8 here. She is actively involved. As I say, we've been
9 in contact with the landlord about the fence. So, my
10 clients, as you've heard, were cooperative at all
11 times with the officers. They've been proactive. And
12 we'd ask you to take that into consideration.

13 **MR. PRALEY:** Thank you, Mr. Bittner.

14 **CHAIRMAN HARRIS:** Very good, Mr. Bittner.
15 Thank you. I do have a few questions for the
16 Licensees. If you or the Licensees can help me
17 understand a little better.

18 I do understand that that chain link fence
19 in the back is owned by, I believe it's the hotel
20 behind it. Do you know if anybody has approached them
21 about getting that repair made to that fence? It
22 seems to me it would be a whole lot cheaper than the
23 \$49,000 putting up another fence parallel to it.

24 **MR. BITTNER:** I have not -- I did not
25 contact the hotel. Perhaps I misunderstood that the

1 hotel was not -- the apartments were contacted.

2 **CHAIRMAN HARRIS:** Oh, I'm sorry. The
3 apartments. No. You're correct. I was wrong.

4 **MR. BITTNER:** Because the hotel doesn't --
5 it's closed, but it doesn't apply. Yes, we've reached
6 out. I reached out October the 4th to the owners of
7 the apartment complex. So, three pages from the back.
8 So, yes, we're trying to get them involved. We've
9 notified Gary Billman (phonetic), who is the resident
10 agent for the Tall Oaks Apartments.

11 **CHAIRMAN HARRIS:** Okay. Thank you. Another
12 question would be, I know from my previous experiences
13 at your location, you had quite a few cameras. Are
14 they still operational?

15 **MS. CHEN:** Uh-huh.

16 **CHAIRMAN HARRIS:** And where are the monitors
17 that you can see those results of the camera?

18 **MS. TING:** Inside.

19 **CHAIRMAN HARRIS:** Where inside?

20 **MS. TING:** One in the right of the cash
21 register, and one, like, across from the cash
22 register.

23 **CHAIRMAN HARRIS:** Exactly. And I think my
24 point is that whoever is running the cash register,
25 which would be, I would imagine, the clerk on duty or

1 manager, can see what's going on out there.

2 **MS. TING:** And he has complained to me. But
3 they don't listen to them.

4 **CHAIRMAN HARRIS:** Okay. I understand that
5 too. Unfortunately, that is your premises. It is
6 your business. And, unfortunately, anything that
7 occurs on that property is going to fall back on you.
8 And I just find it -- I just have a hard time
9 understanding why you have a staff security member
10 during certain hours of a certain weekday but not
11 during a longer period of time that would probably
12 stop or at least slow down some of this activity.

13 And as far as I'm concerned, because of the
14 fact that there is a clerk standing behind that cash
15 register, looking at a monitor, seeing all those
16 people in that parking lot. And I've seen your
17 monitors. Again, it's been years, unless you've
18 changed them. I basically know what you can see.

19 **MS. TING:** Yes. So, I told her to call the
20 police if it happens again.

21 **CHAIRMAN HARRIS:** I'm sorry?

22 **MS. TING:** I told her to call the police if
23 it happens again, when he gave me complaint.

24 **CHAIRMAN HARRIS:** Okay. Well, that may be a
25 remedy. I'm sure the county police department would

1 be more than happy to answer your call. We're going
2 to ask them to keep an eye on your location to help
3 you out too. And I'm sure, under the circumstances,
4 three offenses in a short period of time like this --
5 and it's a problem for them. And I know that wooded
6 area behind there that everybody camps out at is a
7 problem. But, unfortunately, that's not the Liquor
8 Board's authority or venue. So, there's nothing I can
9 do about that except that perhaps Mr. Bittner could
10 have some suggestions as to what you could do. But
11 what takes place on that parking lot is your
12 responsibility. You understand that. And I know you
13 do. Unfortunately, things like this occur, and
14 reoccur, and reoccur. At some point something has to
15 be done to stop it.

16 And I understand Mr. Bittner is pleading
17 that we don't take your license from you. And I
18 understand that. And nobody wants to shut a business
19 down. Nobody wants to hurt a business. We really
20 don't. We're not here for that purpose. And that's
21 not our intentions. But at the same time, the safety,
22 the welfare of the public, right, of your customers
23 who are getting out of their vehicles and walking into
24 your store have to either go through or around.
25 What's taking place on that parking lot shouldn't be.

1 And it's your responsibility as a Licensee, as it is
2 every Licensee, to protect your patrons as well as
3 your own business.

4 Question wise, have you given any thought
5 about additional security or additional hours for your
6 security?

7 **MR. BITTNER:** Mr. Chairman, we've spoken
8 about that. All these issues that you've just
9 highlighted, when I met with the family last week we
10 addressed all of that. And that's why really it has
11 to be a holistic approach to this.

12 They're responsible for the parking lot and
13 I think they get that. There was some reluctance. I
14 think there was really some fear because some of the
15 workers expressed to me they were intimidated by these
16 vagrants who were around. They were apprehensive to
17 call into the assistance of law enforcement because
18 they thought that that would get them in trouble. But
19 I've explained to them that they've got to be
20 proactive, and I believe they will.

21 **CHAIRMAN HARRIS:** Okay. Thank you, Mr.
22 Bittner.

23 I have no further questions for the
24 Licensees at this time.

25 **MR. PRALEY:** Commissioner Duffie, any

1 questions?

2 **COMMISSIONER DUFFIE:** No questions.

3 **MR. PRALEY:** Commissioner Snoops?

4 **COMMISSIONER SNOOPS:** No questions.

5 **MR. PRALEY:** Mr. Bittner, anything you want
6 to add?

7 **MR. BITTNER:** No. I think my clients have
8 heard the Chairman's words, and I think most
9 saliently, since the last incident in August, there
10 haven't been any, that my clients have been proactive
11 and are addressing the issue. And I thank you for
12 that.

13 **MR. PRALEY:** Thank you.

14 Mr. Chairman?

15 **CHAIRMAN HARRIS:** Thank you. This is a
16 little bit different than normal, a single hearing or
17 a single violation because it's three in a short
18 period of time. What I'm going to do is -- do I make
19 each motion separately or can I combine?

20 **MR. PRALEY:** You can either combine or you
21 can make them separately per count.

22 **CHAIRMAN HARRIS:** Okay. What I'd like to do
23 is take each case separately.

24 So, the very first one, which is the June
25 7th, there was four violations written for that

1 particular -- I'm going to make a motion that a fine
2 of \$250 for each of the four be assessed, as well as
3 the court costs. That's for the first case.

4 Go to the second or do you want make it --
5 all right. I'm going to put that in the form of a
6 motion.

7 So, for the very first offense, I make a
8 motion that a fine of \$250 per offense, which is four,
9 be assessed.

10 And I'm looking for a second.

11 **COMMISSIONER SNOOPS:** I second the motion.

12 **CHAIRMAN HARRIS:** Thank you. Having a
13 second, all those in favor?

14 **COMMISSIONER SNOOPS:** Aye.

15 **COMMISSIONER DUFFIE:** Aye.

16 **CHAIRMAN HARRIS:** Thank you.

17 All right. For the second one, I'm going to
18 go ahead and double that to \$500 per offense. Make a
19 motion to be found guilty. Again, in a very short
20 period of time. Same charges, pretty much, three and
21 not four. I'm going to make a motion that we fine you
22 \$500 per offense because it's the second one in this
23 short period, times three, a total of \$1,500 plus
24 costs. And I'm looking for a second on that.

25 **COMMISSIONER DUFFIE:** I second.

1 **CHAIRMAN HARRIS:** I have a second.

2 All in favor?

3 **COMMISSIONER SNOOPS:** Aye.

4 **COMMISSIONER DUFFIE:** Aye.

5 **CHAIRMAN HARRIS:** That's \$1,500 plus
6 administration costs.

7 And the third and last one, which took place
8 on August 23rd, there are three violations for that
9 date. I'm going to go ahead and make a motion,
10 because this is the third one, and that fine of \$1,000
11 per offense times three. Now, that might seem harsh,
12 but under the circumstances I think I'm giving you a
13 break because the motion that I'm putting in is not to
14 take your license from you, suspended, or revoked or
15 anything else.

16 So, my motion is \$1,000 per offense times
17 three, plus costs. Looking for a second?

18 **COMMISSIONER DUFFIE:** I second.

19 **MR. BITTNER:** Mr. Chairman, discussion. I
20 believe after second there's discussion.

21 If I would ask that the Board to simply
22 consider merging some of that or suspending some of
23 that. This is a significant, significant fine for
24 conduct that occurred in close proximity. It really
25 are three different days on the calendar, but it's

1 essentially the same type of conduct occurring in
2 close proximity. And I'd suggest, most respectfully,
3 that if some of that were suspended, that would create
4 a further incentive, that amount of money hanging over
5 their head, further incentivize them to follow the
6 appropriate rules. Thank you.

7 **CHAIRMAN HARRIS:** Thank you, Mr. Bittner. I
8 was thinking more along the line of suspension,
9 thinking that would get your attention, but I really
10 do understand that they're trying to run a business,
11 and I really do understand that it's difficult for you
12 to go out or send somebody outside when there's people
13 out there that you're either leery of or afraid of, or
14 whatever. You may need to rethink how you do that.
15 You may want to rethink the security; you may want to
16 rethink anything else.

17 But I'm going to let my motion stand. I'm
18 looking for a second?

19 **MR. PRALEY:** I believe it's already been
20 seconded.

21 **CHAIRMAN HARRIS:** Oh. Did we vote on it?

22 **MR. PRALEY:** Not yet.

23 **CHAIRMAN HARRIS:** Okay. I'm sorry.

24 All right. Now I have a second on the
25 third. I'm looking for a count of all in favor?

1 **COMMISSIONER SNOOPS:** Aye.

2 **COMMISSIONER DUFFIE:** Aye.

3 **CHAIRMAN HARRIS:** Aye.

4 That's it, Mr. Bittner.

5 **MR. BITTNER:** Thank you very much.

6 **CHAIRMAN HARRIS:** Yeah. And I really do
7 hope, because we have asked the police department,
8 Corporal Middleton, to keep a close watch on your
9 establishment. And that's for your safety and your
10 welfare as well. So, please understand that. And
11 lots of luck to you. Good night.

12 **MR. BITTNER:** Thank you very much.

13 (PROCEEDINGS CONCLUDED AT 6:54 P.M.)

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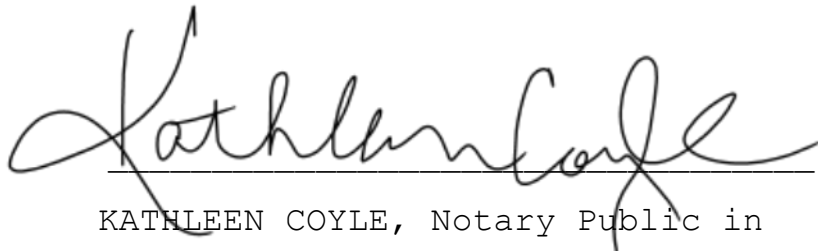
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CERTIFICATE OF NOTARY

I, KATHLEEN COYLE, Notary Public, before
whom the foregoing testimony was taken, do hereby
certify that the witness was duly sworn by me; that
said testimony is a true record of the testimony given
by said witness; that I am neither counsel for,
related to, nor employed by any of the parties to this
action, nor financially or otherwise interested in the
outcome of the action; and that the testimony was
reduced to typewriting by me or under my direction.

This certification is expressly withdrawn
upon the disassembly or photocopying of the foregoing
transcript, including exhibits, unless disassembly or
photocopying is done under the auspices of OLENDER
REPORTING, INC., and the signature and original seal
is attached thereto.

A handwritten signature in cursive script, reading "Kathleen Coyle", written over a horizontal line.

KATHLEEN COYLE, Notary Public in
and for the State of Maryland

My Commission Expires: April 30, 2026

BEFORE THE ANNE ARUNDEL COUNTY GOVERNMENT
BOARD OF LICENSE COMMISSIONERS

:
TESTIMONY IN RE: :
:
UMAI SUSHI; :
Deale Umai Sushi, LLC :
:

Tuesday, October 8, 2024

Whereupon, pursuant to notice the above-
entitled hearing was held before the Anne Arundel
County Government Board of License Commissioners, 44
Calvert Street, Council Chambers, Annapolis, Maryland
21401, commencing at 6:59 p.m. There being present:

1 BOARD MEMBERS PRESENT:

2 WAYNE HARRIS, CHAIRMAN

3 OTIS DUFFIE, COMMISSIONER

4 BERNADETTE SNOOPS, COMMISSIONER

5

6 STAFF MEMBERS PRESENT:

7 JAMES PRALEY, ESQUIRE

8 JIM FORD, CHIEF LIQUOR INSPECTOR

9 EDWARD I. ARONSON, ADMINISTRATOR

10 JANET GAGNON, SECRETARY

11 MICHELLE M. MONTI, SECRETARY

12

13 ON BEHALF OF THE APPLICANTS:

14 ABRAHAM HURDLE, ESQUIRE

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1 P R O C E E D I N G S

2 **CHIEF INSPECTOR FORD:** Our next case is Umai
3 Sushi, Deale Umai Sushi, LLC. Seung Kook Han,
4 managing member; Inspector John B. Maloney. This
5 license is not restricted. This is a transfer and add
6 outdoor dining. Currently Linda Wells, member, and
7 Isaac Seo, authorized person on behalf of Deale Umai
8 Sushi House, LLC, trading as Deal Umai Sushi House,
9 located at 657 Deale Road, Unit C, Deale, Maryland
10 20751. This is a Class H beer/wine/liquor, music and
11 Sunday license.

12 Gentleman, if you could remain standing for
13 me and raise your right hands. Thank you.

14 (PARTIES SWORN.)

15 **MR. HAN:** I do.

16 **CHIEF INSPECTOR FORD:** Thank you very much.
17 You may be seated. And can we start, sir, with your
18 name and address for the record?

19 **MR. HURDLE:** Thank you. Abraham Hurdle,
20 H-U-R-D-L-E, 614 Bosley Avenue, Towson 21204.

21 **CHIEF INSPECTOR FORD:** Thank you.
22 Sir?

23 **MR. HAN:** Seung Han.

24 **MR. HURDLE:** Mr. Han's address is 1516
25 Lincoln Road, in Shady Side, Maryland 20764.

1 **CHIEF INSPECTOR FORD:** Thank you.

2 **MR. I. HAN:** Isaiah Han, 4482 Rebels Court,
3 Annandale, Virginia 22003.

4 **CHIEF INSPECTOR FORD:** Thank you very much.

5 **MR. PRALEY:** All right. Thank you all.

6 Mr. Hurdle, this is your client's case. You
7 can present your client's case by way of proffer,
8 testimony or a combination of both. We'll turn it
9 over to you. All right.

10 **MR. HURDLE:** Excellent. Thank you. Sitting
11 to my left is Mr. Han. He is the proposed operator.
12 He has worked at this location for 13 years. Before I
13 get too far forward, I'm not sure if the Board is
14 familiar with Deale Sushi and Deale, Maryland. Has
15 anybody been to Deale?

16 (NO AUDIBLE RESPONSE.)

17 **MR. HURDLE:** I've been there twice. Both
18 times for this. It is not very close by. It is just
19 out there. That's all I'm going to say. It's not a
20 dense area. There's not lots of restaurants. I kept
21 a sharp eye out, there are not a lot of high school
22 students running around trying to buy liquor underage
23 as far as I could tell. The location, it's a quiet
24 sushi shop. I think it has maybe 45 seats in total.
25 Although, we are trying to add, I think about 10 or 15

1 outside, at a couple of tables right in front of the
2 location, before the parking lot but just right out
3 front of the front door.

4 Mr. Han has 13 years here. He's been in the
5 industry about 25 to 30. To his knowledge this
6 location is the only licensed location he's ever
7 worked at. They haven't had any violations that we
8 were made aware of. His experience here has been
9 primarily in the kitchen. So, he is getting some help
10 from the current operators in terms of day-to-day
11 operations and learning more of the ropes in terms of
12 ordering product and things of that nature, which is
13 going to be a part of his new process as the owner as
14 opposed to just in the kitchen. He is looking forward
15 to that, although he is very excited.

16 The hours of operation proposed are 11 a.m.
17 to 9 p.m. They anticipate being open until 10 a
18 couple times a week, maybe Fridays and Saturdays as
19 business provides.

20 There's about three or people on staff. I
21 spoke to Mr. Han about having any and all servers who
22 are out front, who are serving alcohol, being alcohol
23 awareness certified. He is alcohol awareness
24 certified. Even though at the moment he is not
25 someone who handles alcohol in a server's capacity.

1 Alcohol sales at the location make up about
2 five to 10 percent of their total sales. They do have
3 alcohol. They don't serve much alcohol at all.
4 There's no cocktails on the menu. Beer, wine, soju
5 tends to be what people order, if they order alcohol
6 at all.

7 We are asking for the outdoor seating. They
8 do plan to be closed most Sundays. We did have Sunday
9 as an option, but their anticipation is they will be
10 closed most Sundays for the time for him to go see his
11 family. His family does live in Annandale. He does
12 live locally because it's a much easier commute than
13 the Annandale to Deale commute.

14 Again, Mr. Han is very excited for the
15 opportunity. Looking forward to it. And if the Board
16 has any questions, we'd be happy to turn it over to
17 them now or maybe I can address those questions.

18 **MR. PRALEY:** All right. Thank you,
19 Mr. Hurdle.

20 Mr. Chairman, questions?

21 **CHAIRMAN HARRIS:** I do have a couple. The
22 pictures showing the Deale Sushi House or Umai Sushi
23 House, how many tables are out front? Is it two or
24 three?

25 **MR. HURDLE:** I believe it's four tables with

1 two of them being benches and then one of them being
2 maybe two-tops or two of them being two-tops.

3 **CHAIRMAN HARRIS:** Okay. Mr. Han, question
4 for you, sir. Do you have any other financial
5 interest in any other alcohol or liquor establishment
6 in the State of Maryland?

7 **MR. HURDLE:** If I may. Mr. Han, do you own
8 any other liquor stores, or restaurants, or bars?

9 **MR. HAN:** Yeah. Liquor store.

10 **MR. HURDLE:** You own a liquor store?

11 **MR. HAN:** Oh, no, no, no. I'm sorry about
12 that.

13 **MR. HURDLE:** That's okay. Do you have any
14 other -- do you own any other businesses?

15 **MR. S. HAN:** Yeah.

16 **MR. HURDLE:** What other businesses do you
17 own? No other businesses?

18 **MR. S. HAN:** Yeah. First time.

19 **MR. HURDLE:** It's the first time owning a
20 business?

21 **MR. S. HAN:** Yeah.

22 **MR. HURDLE:** Thank you.

23 **CHAIRMAN HARRIS:** Okay. All right. You
24 have to be careful what you admit to. You're the
25 managing partner, Mr. Han, correct?

1 **MR. S. HAN:** Yeah. Correct.

2 **CHAIRMAN HARRIS:** Are you there most of the
3 time?

4 **MR. I. HAN:** No. The owner --

5 **MR. HURDLE:** The current owner is there all
6 the time. When you take over, will you be there all
7 the time you're open?

8 **MR. S. HAN:** Uh, --

9 **MR. HURDLE:** Will you be at the location all
10 hours?

11 **MR. S. HAN:** Yeah. Full times.

12 **MR. HURDLE:** Full time?

13 **MR. S. HAN:** Yeah.

14 **MR. HURDLE:** Will the restaurant be open and
15 you're not there?

16 (NO AUDIBLE RESPONSE.)

17 **MR. HURDLE:** Will you be there all hours --

18 **MR. S. HAN:** Yeah.

19 **MR. HURDLE:** -- 9 to 11, 9 to 9, that the
20 restaurant is opened?

21 **MR. S. HAN:** Yes.

22 **MR. HURDLE:** Thank you.

23 **CHAIRMAN HARRIS:** Okay. Mr. Han, will there
24 be anybody else in the store while you're there as the
25 managing partner, or are you going to be by yourself

1 most of the time?

2 **MR. HURDLE:** There will be three to four
3 other staffers at the location.

4 **CHAIRMAN HARRIS:** Okay.

5 **MR. HURDLE:** We do plan to get a manager
6 licensed and authorized with the Board just in case
7 Mr. Han ever chooses to take a vacation.

8 **CHAIRMAN HARRIS:** I am concerned -- and I
9 use the word "concerned" -- about the language barrier
10 or lack of, whichever. I mean, It's difficult enough
11 to run a business, you know, and then when you have
12 additional barriers or problems like that, it can
13 cause problems. And we don't want anything to cause a
14 problem for Mr. Han and his business. So, I'm
15 assuming then those other people would be someone who
16 would be there to --

17 **MR. HURDLE:** Absolutely. The current owner
18 is going to stay on for some time to assist him with
19 the transition into to the other parts of the
20 operations. I have spoken to Mr. Han prior to the
21 hearing tonight, of course, and I think Mr. Han is,
22 frankly, just very nervous given this situation that
23 we have here. Everything I have discussed with him he
24 seems very understanding. And I do believe that the
25 most important parts really for the Board here is that

1 alcohol will not be sold to minors. He will card
2 everyone. And while this isn't necessarily a rule at
3 all, the danger of such things is going to be very
4 reduced. Again, the location is, it's a very quiet
5 area. It's a small location. You can see everything
6 in the store from the kitchen too.

7 **CHAIRMAN HARRIS:** It's not my major concern.
8 It's really not. But, I mean, I'm just seeing
9 difficulty receiving. And I just want to make sure
10 he's comfortable with what he's getting into, and that
11 he is aware of everything.

12 I have no other questions at this time.

13 **MR. PRALEY:** Commissioner Duffie, questions?

14 **COMMISSIONER DUFFIE:** No questions.

15 **MR. PRALEY:** Commissioner Snoops?

16 **COMMISSIONER SNOOPS:** No questions.

17 **MR. PRALEY:** Mr. Hurdle, anything you want
18 to add?

19 **MR. HURDLE:** I think that Mr. Han is a fit
20 and qualified applicant. His family is very eager to
21 help. They speak English perhaps a little better than
22 him. And I think he's surrounded by people who also
23 want to help at the location.

24 **CHAIRMAN HARRIS:** Good. Good. Has he
25 applied for the outdoor service?

1 **MR. HURDLE:** With the zoning?

2 **CHAIRMAN HARRIS:** Yes.

3 **MR. HURDLE:** No, not yet. We have not filed
4 it yet. There's already tables --

5 **CHAIRMAN HARRIS:** He has to go through --
6 oh, I'm sorry.

7 **MR. HURDLE:** Sorry. My apologies for
8 interrupting. They do have tables outside and they
9 have had tables outside for some time, but there's no
10 alcohol served at the tables.

11 **CHAIRMAN HARRIS:** Exactly.

12 **MR. HURDLE:** So, my --

13 **CHAIRMAN HARRIS:** He's allowed to have
14 tables out there. The county has given blessings to
15 anybody and everybody. But that doesn't extend into
16 the alcohol being served out there. He has to go
17 through an application for outdoor service with us.
18 And that means through one of the departments will
19 have to approve it.

20 So, I'm going to make a motion that we go
21 ahead and approve this transfer. But when it comes to
22 the outdoor service, that all is relevant to him
23 getting passing marks through the other departments
24 and agencies. And he can feel free to contact, or you
25 can contact our office. He's going to need drawings

1 with dimensions, and seating, and so forth.

2 But I'm going to go ahead and make a motion
3 that we do accept it with that caveat. Looking for a
4 second.

5 **COMMISSIONER DUFFIE:** I second.

6 **CHAIRMAN HARRIS:** Thank you, Commissioner.
7 That being said, I'm looking for a vote. All those in
8 favor?

9 **COMMISSIONER SNOOPS:** Aye.

10 **COMMISSIONER DUFFIE:** Aye.

11 **CHAIRMAN HARRIS:** Aye. Congratulations.
12 Lots of luck.

13 **MR. HURDLE:** Just quickly. The staff at the
14 Board has been extremely helpful with this
15 application. We've had a few hiccups and they've been
16 exemplary.

17 **CHAIRMAN HARRIS:** Well, good. We love to
18 hear that. Thank you very much.

19 (PROCEEDINGS CONCLUDED AT 7:10 P.M.)

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C O N T E N T S

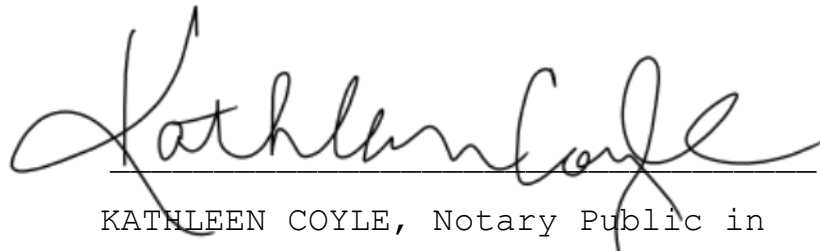
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CERTIFICATE OF NOTARY

I, KATHLEEN COYLE, Notary Public, before whom the foregoing testimony was taken, do hereby certify that the witness was duly sworn by me; that said testimony is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to this action, nor financially or otherwise interested in the outcome of the action; and that the testimony was reduced to typewriting by me or under my direction.

This certification is expressly withdrawn upon the disassembly or photocopying of the foregoing transcript, including exhibits, unless disassembly or photocopying is done under the auspices of OLENDER REPORTING, INC., and the signature and original seal is attached thereto.

A handwritten signature in cursive script, reading "Kathleen Coyle", is written over a horizontal line.

KATHLEEN COYLE, Notary Public in
and for the State of Maryland

My Commission Expires: April 30, 2026